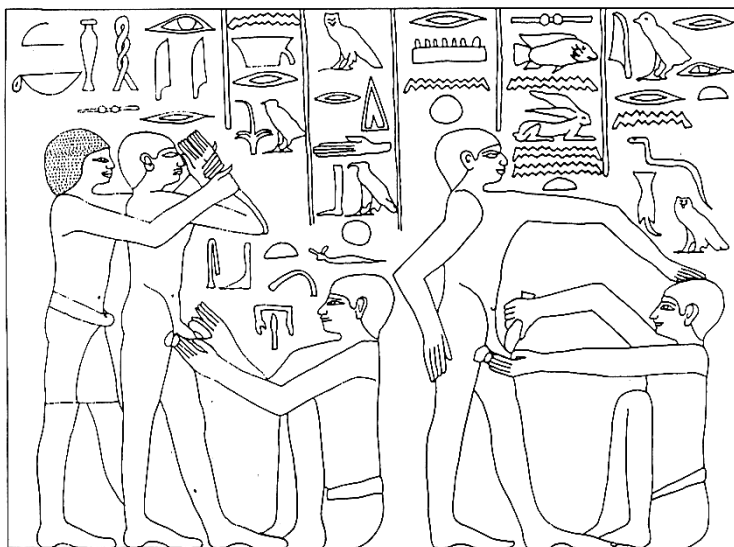


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MALE AND FEMALE CIRCUMCISION

Religious, medical, social and legal debate

Sami A. Aldeeb Abu-Sahlieh



**This book can be ordered online at
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Centre of Arab and Islamic Law

Created in May 2009, the Centre of Arab and Islamic Law provides legal consultations, conferences, translations, research and courses concerning Arab and Islamic Law, and the relation between Muslims and the West, assistance for students and researchers. It allows also freely downloading a large number of writings from the website www.sami-aldeeb.com.

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General observations

Comprehensive book

This comprehensive book is available in French in complete (*Circoncision masculine et féminine: débat médical, social et juridique*) and reduced version (*Circoncision: le complot du silence*). These three books are published at the same publisher <http://www.thebookedition.com>. Those who read Arabic can download this book free in three versions: <http://www.sami-aldeeb.com/articles/view.php?id=131&action=arabic>.

Transliteration

The Arabic alphabet can be transliterated in different ways. I avoid the scholarly form because it is too complicated for a non-specialized reader. The following is the equivalent of some Arabic letters:

'	ع + ء	gh	غ
kh	خ	u + w	و
d	د + ض	i + y	ي
dh	ذ + ظ	t	ت + ط
sh	ش	h	ه + ح
s	س + ص	j	ج

Quotations from the Koran and the Bible

I will primarily use the translation of the Koran by Rashad Khalifa, which can be found at <http://www.moslem.org/English.html>

Quotations from the *Old* and *New Testament* are taken from the Holy Bible: New Revised Standard Version, Thomas Nelson Publishers, Nashville, 1992.

Footnotes

In footnotes, I mention the name of author and/or the first elements of the title. Complete bibliographic data can be found at the end of the book.

Dates

Dates mentioned refer to the Christian era. For Arab authors and people, I used the bibliographic dictionary: Al-Jabi: *Mu'jam al-a'lam*. The pertinent date of an author's death is indicated when the author is quoted for the first time, as well as in the bibliography.

Main abbreviations

- Books of the Old Testament: Genesis (Gn), Exodus (Ex), Leviticus (Lv), Numbers (Nb), Deuteronomy (Dt), Joshua (Jos), Judges (Jg), Ruth (Rt), Samuel I (I S) and II (II S), Kings I (I K) and II (II K), Chronicles I (I Ch) and II (II Ch), Ezra (Ezr), Nehemiah (Ne), Tobit (Tb), Judith (Jdt), Esther (Est), Maccabees I (I M) and II (II M), Job (Jb), Psalms (Ps), Proverbs (Pr), Ecclesiastes or Qohelet (Qo), Song of Solomon (Song), Wisdom (Wis), Ecclesiasticus or Sirach (Si), Isaiah (Is), Jeremiah (Jr), Lamentations (Lm), Baruch (Ba), Ezekiel (Ez), Daniel (Dn), Hosea (Hos), Joel (Jl), Amos (Am), Obadiah (Ob), Jonah (Jon), Micah (Mi), Nahum (Na), Habakkuk (Ha), Zephaniah (Zeph), Haggai (Hag), Zechariah (Zech), Malachi (Mal).
- Books of the New Testament: Gospel according to Matthew (Mt), Mark (Mk), Luke (Lk) and John (Jn); Acts of the Apostles (Acts); Letters of Paul to the Romans (Rm), Corinthians I (I Co) and II (II Co), Galatians (Ga), Ephesians (Ep), Philippians (Ph),

Colossians (Col), Thessalonians I (I Th) and II (II Th), Timothy I (I Tm) and II (II Tm), Titus (Tt) and Philemon (Phm); Hebrews (He); Letter of James (Jm); Letters of Peter I (I P) and II (II P); Letters of John I (I Jn), II (II Jn) and III (III Jn); Letter of Jude (Jude); and Revelation (Rev).

- B.C.: Before Christ.
- CE: Council of Europe.
- Charter of the UNO: Charter of the United Nations Organization, entry into force 24 October 1945.
- Child's convention: Convention on the rights of the child, entry into force 2 September 1990.
- Covenant on civil rights: International covenant on civil and political rights, entry into force 23 March 1976.
- Covenant on economic rights: International covenant on economic, social and cultural rights, entry into force 3 January 1976.
- d. (ca): died (circa).
- ECOSOC: Economic and social council of the United Nations.
- FNUAP: United Nations population fund.
- H.: Hegira era (Muslim calendar).
- HCR: United Nations high commissioner for refugees.
- Inter-African committee: Inter-African committee on traditional practices affecting the health of women and children.
- NGO(s): Non-governmental organization(s).
- NOCIRC: National organization of circumcision information resource centers.
- NOHARMM: National organization to halt the abuse and routine mutilation of males.
- OAU: Organization of African unity.
- UN: United Nations Organization.
- UNCIRC: Uncircumcising information and resources center.
- UNICEF: United Nations international children's emergency fund.
- Universal declaration: Universal declaration of human rights, adopted and proclaimed by UN General assembly resolution 217 A (III) of 10 December 1948.
- WHO: World health organization.
- WMA: World medical association.

Foreword

by Marilyn Fayre Milos¹

As civilization advances, we have increasingly come to recognize the value of debate and discussion. In the not so distant past, however, this was not the case. Those who questioned the status quo, or merely sought to clarify it, were at risk of being persecuted, ostracized, punished, imprisoned, or condemned to death. One calls to mind the injustice done to men such as William Tyndale, who was incarcerated for 500 days before he was strangled and burned at the stake in 1536. His *crime* was translating the Bible into English, which, the Church feared, might lead people to question authority. Thomas Cranmer, Archbishop of Canterbury, was ordered to be burned at Oxford on 21 March 1556 for his desire to reform the Church. On 16 October 1555, Nicholas Ridley, Bishop of London, and Hugh Latimer, Bishop of Worcester, were also burned at the stake in Oxford for the “heresy” of seeking to revivify a moribund state religion. During the reign of Queen Mary, Bloody Mary, hundreds of innocent people were burnt alive for the *crime* of independent thought. Latimer's last words at the stake are well known: "Be of good cheer, Master Ridley, and play the man, for we shall this day light such a candle in England as I trust by God's grace shall never be put out".

Galileo (1564-1642), the greatest scientific mind of his age, was condemned of heresy for his astronomical and mathematical discoveries. In order to escape torture and death, he was forced to sign a confession, abjuring his discoveries and proclaiming the truth in the Church's doctrine that the earth was the center of the universe and that it did not move. Similarly, the horrors of the Spanish Inquisition were visited upon hundreds of thousands of innocent men and women simply because they were suspected of believing something contrary to official doctrine. Thankfully, our society has evolved to a point where the mere idea of heresy is an affront to modern sensibilities. Freedom of conscience is now one of the most highly protected guarantees in Western legal systems. The thought that someone might be persecuted or prosecuted for his or her beliefs is anathema.

Still, there remain those areas where debate and discussion are still feared and actively repressed. Perhaps it is because we pride ourselves on the great progress we have made in the area of social justice that we are loath to admit that there might still be some aspects of our cultures that should be questioned. It is easier to shut our eyes to social injustice than to speak out, ask questions and seek to make this a safer and fairer world. From my own personal experience as a nurse, educator and social activist, I can tell you that the issue of circumcision is one of those topics that still arouses anger, rage and charges of heresy. It is not only religious institutions that have sought to silence those who question this practice; the medical profession, which actively engages, promotes and profits from the circumcision of children, has traditionally been quick to condemn those who dare question official medical dogma.

Dr. Aldeeb has meticulously and sensitively documented the lengthy and fascinating history of the various religious and medical discussions over circumcision. As a world-renown and highly respected scholar, his expertise in Islamic Law provides fresh perspective on an important aspect of the history of circumcision that has been largely unavailable to Western scholars. As his book carefully proves, the debate over circumcision is as old as the practice itself. The official attempts to quell any debate are also of equal antiquity. I am confi-

¹ Director of the National Organization of Circumcision Information Resource Centers.

dent, though, that the valuable historical information in this book will strengthen the current worldwide debate over circumcision and will infuse it with a greater degree of rationality and historical perspective.

William Tyndale's last words were: "Lord, open the eyes of the King of England". I believe that Dr. Aldeeb's monumental efforts will measurably contribute to the growing body of evidence that is opening the eyes of the world and helping human society continue its advancement, not only towards a renewed commitment to protecting freedom of conscience, but also towards a recognition that every human being - regardless of his age, gender, race, culture, ethnicity, religion, or any other trait - has a right to bodily integrity, sovereignty over his or her own body and freedom from interference with his or her person.

Introduction

A crowd of women, men and children gathered before the house of our Muslim neighbour. One distributed candy while the song of women within and without the house, mingled with the shrill screams of children. I asked my parents: "What happens there? Why do children scream inside? Is this because some children are deprived of candy?" They explained that children had been circumcised.

I was five years old. I had just attended a circumcision but I didn't understand what that meant, because of my young age and my membership in a Christian family that doesn't circumcise its children. The memory of this event has stayed with me, despite the years and physical distance that separate me from it. This event was a feast at which many delighted while others screamed!

In 1992, during a bookstore tour in Cairo, I saw a book in Arabic entitled: *Male and Female Circumcision from a Muslim Point of View*¹. On the cover of the book was a picture of a boy and a girl with a red knife passing between them. The title triggered my memory of the circumcision I had witnessed and intrigued me because I discovered that not only were males circumcised, but also females. After some hesitation, I bought the book. Instead of reading it, I hid it in my library, far removed from even my own eyes.

Some months later, I was contacted by the Libyan North-South association to participate as lecturer in a symposium on children's rights. The symposium had been organized in collaboration with the Department of Sociology at the University of Geneva. I proposed two topics to the organizers: a child's right to a peaceful education or the sexual mutilation of children. To my surprise, the promoters chose the latter topic, about which I knew absolutely nothing (except for the event in my youth). Therefore, I needed to unearth the book bought in Cairo and get to work to prepare for the conference, which was to take place three months later, 30-31 January 1993². I read an impressive amount of material and met with representatives of organizations working on the topic.

A great number of lecturers from different countries participated in the symposium. My lecture was scheduled for the end of the first day. The participants were tired and were ready to leave. When I began speaking, however, I noted a distinct energy dynamic in the audience. Some people smiled, while others appeared tense. At the end of my presentation, half the room applauded and the other half was infuriated. The Libyan president of the North-South association then remarked, with an angry air, that it seemed to him that the speaker (me) had forgotten the episode of Salman Rushdie who had been perceived as attacking the religious convictions of others. I responded by stating that I considered his remark an insult and I asked him to withdraw it. I explained that my intention was not to attack convictions of others, but to defend children. Seeing that a part of the audience sided with me, the president apologized.

This episode opened my eyes. I was quite naive, for I thought that I was doing well in denouncing male and female circumcision. However, I had somehow forgotten that I was walking in a minefield full of religious and sexual taboos. This situation presented me with a challenge: keep silent and allow 15 million children to be mutilated annually, or attack the practice. I opted for the latter. I felt that I had to defend mutilated children, as well as protect my professional honour as a lawyer. Ironically, I discovered that members of my

¹ Al-Sukkari.

² Symposium summary in: Nord-Sud XXI, no 3, 1993, p. 63-182.

profession don't protect children from sexual mutilation. Because the fight against sexual mutilation doesn't yield anything except problems, attorneys had historically washed their hands. I later discovered that religious leaders and medical authorities have all behaved in the same way.

Since that day in 1992, I have carried the burden of mutilated children on my back. Every day that passes, I make both new friends and new enemies.

I started this book by publishing a booklet that contained the results of my research and I sent the booklet to the Swiss libraries¹. This text has now been translated and published in various periodicals in French, English and Spanish. I sent a copy to NOCIRC, an American organization that fights against sexual mutilations in the United States. The organization's president, Marilyn Fayre Milos, is a nurse who lost her job because of her involvement in the issue. She invited me to participate in the 3rd International Symposium on Sexual Mutilation held 22-25 May 1994 at the University of Maryland (USA). I presented my text there².

On August 7, 1994, during the UN Conference on population and development in Cairo, the Cable news network (CNN) released a movie of the circumcision of an Egyptian girl named Najla by a barber in a popular quarter of Cairo. The day before, the Egyptian president had declared that female circumcision had practically disappeared in Egypt. The movie discredited the president's declaration and triggered shockwaves among political, religious and intellectual circles in Egypt. It was followed by numerous contradictory positions. Tantawi, the Mufti of Egypt, declared that female circumcision is only a Pharaonic custom with no link to the Muslim religion; therefore, he said physicians must be the ones to decide if female circumcision is damaging³. Jad-al-Haq (d. 1996), the Great Sheik of Al-Azhar, the most important Egyptian Islamic center in the world, disagreed with Tantawi:

If a region stops, of common agreement, to practice male and female circumcision, the chief of the state declares war against that region because circumcision is a part of the rituals of Islam and its specificities. This means that male and female circumcisions are obligatory⁴.

This contradictory debate between the highest Egyptian religious authorities led to another contradiction no less shocking for me. That is, the UN conference had condemned female circumcision, but it was silent concerning routine male circumcision. No NGO spoke out against male circumcision. CNN avoided making a parallel between female circumcision and male circumcision, even though about 3,300 children a day undergo routine male circumcision in the United States alone.

This silence intrigued me. Why is female circumcision condemned, but not male circumcision? Is this not discrimination against boys? I later discovered that one reason for the silence was the fear of being labelled an anti-Semite if one attacked male circumcision, being part of Jewish religious conviction.

On 9-11 August 1996, I organized, with NOCIRC, the 4th International Symposium on Sexual Mutilations at the University of Lausanne. We also decided to publish papers presented at this symposium, even though papers from the three previous symposia were not

¹ Under the title: *Mutiller au nom de Yahvé ou d'Allah: Légitimation de la circoncision masculine et féminine.*

² The title of my conference: *To mutilate in the name of Jehovah or Allah: legitimization of male and female circumcision.*

³ Aldeeb Abu-Sahlieh: *Khitān*, vol. I, annex 10.

⁴ *Ibid.*, vol. I, annex 6.

published¹. On 5-7 August 1998, I participated in the 5th International Symposium held at the University of Oxford. Papers from this symposium have also been published². The 6th Symposium took place in Sydney in December 2000. The symposia have increasingly intensified, uniting more and more participants from five continents: nurses, physicians, psychologists, attorneys and activists, all united in one ideal: to abolish male and female sexual mutilation.

In front of this group of pioneers, there are numerous NGOs that, under the auspices of the United Nations and Western governments, fight to abolish only female circumcision. The name of this practice has even been changed to female genital mutilation to distinguish it from male circumcision. This name change signifies a refusal to address the issue of male circumcision, without providing any valid reasons for making a distinction between the two practices. Both procedures mutilate healthy sexual organs, without medical justification and without the victim's consent. Both practices also violate the right to physical integrity, as well as other human rights.

This book is dedicated to the debate on male and female circumcision. It is based mainly on the author's larger book in Arabic, published in Lebanon³. This work is composed of five parts. The first part defines male and female circumcision and explains what groups participate in these practices. The remaining four parts detail the religious, medical, social and legal debates surrounding the issues. The order of these parts is dictated by the chronological evolution of the debate. For the religious believer, religious principles constitute his or her main legal standard of reference. Whatever physicians, sociologists, or lawyers may say against male and female circumcision, the religious believer feels he must follow religious dogma and close his ears to any other argument.

Second is the medical debate, in which proponents and opponents have tried to justify their respective positions medically. Religious believers also use medical debates to confirm their religious convictions: "God was wise while ordering us to circumcise our children. Medicine confirms His wisdom". Opponents answer that medical resources are manipulated and falsified by unscrupulous physicians and fundamentalist researchers to justify their holy books. Opponents have also proposed remedying damages suffered by victims, notably through the non-surgical restoration of mutilated organs.

Anthropologists, ethnologists, sociologists and psychiatrists have gone beyond the religious and medical debate to examine the deep reasons driving human beings to mutilate themselves and their children. They have formed an extensive range of reasons spanning psychiatric illness to political or economic reasons to explain these practices. One activist actually counted 260 reasons⁴. In addition to these reasons, different specialists have tried to examine the influence of male and female circumcision on human behaviour and to propose social means to put an end to these two practices.

Lawyers have been the last to intervene, concluding that male and female circumcisions are not a medical necessity. Because the genital tissue is healthy, they argue that there is no necessity to operate on the approximately 13 million boys and 2 million girls who undergo circumcision each year. Indeed, the great majority of men and women in the world are intact and don't have any problems. Lawyers conclude that circumcision is a violation of

¹ Denniston; Milos: Sexual mutilations a human tragedy. The title of my conference: Jehovah, his cousin Allah, and sexual mutilations.

² Denniston; Hodges; Milos: Male and female circumcision. The title of my conference: Muslims' genitalia in the hands of the clergy.

³ Aldeeb Abu-Sahlieh: Khitan.

⁴ See also on the Internet: www.circumstitions.com/Stitions&refs.html.

physical integrity and that bodily integrity must be appreciated in light of legal principles, notably the respect for human rights. But attorneys are confronted with various factors that preclude them from applying these principles. They are limited to condemning female circumcision while keeping silent about male circumcision, especially for political reasons. They are also restrained by the difficulty of abolishing an ancient practice extensively followed by society and sustained by health professionals for reasons of profit. They finally hesitate to open the door to requests for asylum that would provoke the qualification of these two practices as contrary to human rights. They are thus torn between the ideal of respecting human rights, and the reality of multiple factors that perpetuate the violation of this right. They realize that the law alone is not sufficient to abolish this violation; it must be accompanied by other social measures.

In his famous book addressed to the Caliph Harun Al-Rashid, the great judge Abu-Yusuf (d. 798) wrote:

A man told the Caliph Umar Ibn-al-Khattab: "Fear Allah, oh Umar!" and repeated these words several times. "Keep silent, said someone, you repeated several times the same thing to the believers' Prince". But Umar intervened: "Don't disturb this man! It is bad not to speak to us in this way, and it is bad if we don't accept this way of speaking"¹.

I dare to hope that readers in the 21st century, whatever their religion or nationality, will have Caliph Umar's (d. 644) open mind. I ask them to share with me their reflections and their constructive remarks.

I also offer to make all documentation I have gathered, in several languages during seven years of research, available to researchers, if their research is not one-sided. That is, the materials must be used to address both female and male circumcision.

Before closing, I wish to express my deep gratitude to those who reviewed or corrected this text and/or provided feedback. I especially name my brother Father Raed A. Aldeeb Abu-Sahlieh, Seham Abd-al-Salam, Patrizia Conforti, Jackie Manasterli, Patricia Robinett, John P. Warren, Frederick Hodges, Richard Louis Matteoli, Brad McCormick, Peter Ball and Steve Wilder. I thank Marilyn Fayre Milos, director of NOCIRC for writing the foreword to this book. I remain, however, solely responsible for mistakes and opinions expressed therein.

¹ Abou Yousof Ya'koub: *Le Livre de l'impôt foncier*, p. 18.

Part 1.

Definition and distribution of circumcision

1) Mutilation phenomenon

Through all history, human beings have tried to alter their own bodies and the bodies of others, from the top of the head to the bottom of the feet, up to and including genitalia. They have stretched, compressed, tattooed, scarred, burned, perforated and mutilated themselves and others. Some of these alterations leave temporary marks, as in the case of nails and hair that grow back. Other practices leave permanent marks, as in the case of tattoos, scars, perforations and cutting. These acts sometimes have a desirable collective, cultural and ritual character¹; others border on the repugnant, criminal and insane.

Human beings have focused a significant amount of their destructive urges on the genitalia. Some even see a symbolic expression of sexual mutilation² in other types of mutilation. Besides circumcision, humans have practiced castration, emasculation, perforation, infibulation, subincision, stretching of the penis, removing the clitoris, the labia minora and the sheath of the penis, etc.

Reasons behind these practices vary, are different and contradictory: aesthetics or distortion, punitive or curative measures, involuntary temporary lunacy or voluntary religious mortification, means of contraception or sexual excitation, preserving the voice for church choirs, to name only a few.

We limit this book to a discussion of the different types and practices of male and female circumcision, which constitute the more widespread and blatant violations of physical integrity.

2) Choice of terminology

Male circumcision, as practiced by Jews, Christians and Muslims, originates in the Bible. But it occurred in different cultures prior to the Jewish Bible and in tribes that don't have any link with the Jewish tradition.

The Hebrew language uses the term *milah* for circumcision. This term means "to cut". It is used in an expression *berit milah*: the covenant of the cut, which refers to Chapter 17 of Genesis. In this chapter, God establishes a perpetual covenant with Abraham, promises him numerous offspring and gives him possession of the country of Canaan in perpetuity. In return, God requires Abraham to circumcise himself and to circumcise all his descendants and slaves. Notice that circumcision has been tied to politics since its biblical beginning. One also meets in Hebrew the term *tabar*, which evokes the Arabic term *batar*: to cut (Ex 4:25).

The Arabic language uses the term *khitan* for both male and female circumcision. This term is related to that of *khatan*, the father or the brother of the wife, or the girl's husband³. One will see thereafter that circumcision was a precondition to marriage. The term *khatana* (to circumcise) is also close to *khatama* (to mark with a seal). A slave was marked for identification. Ibn-Qayyim Al-Jawziyyah (d. 1351) says:

No one denies that the amputation of this skin is a designation of servitude. So you find the amputation of the tip of the ear, the scarification of the forehead and other marks on

¹ The reader can consult for the different behaviors: Favazza, p. 85-224.

² Favazza, p. 115-117.

³ Ibn-Mandhur, vol. 13, p. 138-139; Al-Zubaydi, vol. 9, p. 189-190.

many slaves indicating their state of slavery and servitude. If the slave runs away, he will be given back to his master thanks to this mark¹.

Arabic also has two more technical terms: *adhara* and *khafada*. This last term, *khafada*, is used notably for female circumcision. It means not only "to lower an elevated place", but also "to humiliate". One of God's names is *al-khafid*, what means: "the one that humiliates potentates and Pharaohs"². We will see hereafter that female circumcision aims to reduce the sexual desire of women; to tame them.

The popular term in Arabic for both and female circumcision is *taharah*, *tihar*, or *tuhur*, which means *purification*.

In the West, one uses the term circumcision for both boys and girls. This term is derived from the Latin verb *circumcidere*: "to cut around". Female circumcision is also called excision, derived from the Latin verb *excidere*: "to cut". A third term, infibulation, designates the most serious type of circumcision (more about this later).

In 1995, the WHO decided to stop using the term *circumcision* for women and to replace it by the expression *female genital mutilation*. The term circumcision was judged too narrow to designate the different types of ablation practiced on women, and too reminiscent of male circumcision³, which the WHO refuses to tackle for political reasons. So, the WHO reserves the expression *genital mutilation* for the practice performed on women. Objectors to male circumcision hurried to use the expression *male genital mutilation* instead of *circumcision*. The first three international symposia of NOCIRC of 1989, 1991 and 1994 used in their title the term circumcision. But the two in 1996 and 1998 used the term: *sexual mutilations*. The utilization of this term infuriates the proponents of male circumcision, who do not wish to have their practice called *mutilation*.

In this book, we opt for the terms male circumcision and female circumcision because we refuse the political dictates of the WHO. This is the term more commonly used by the classic Muslim jurists and the modern encyclopaedias of Muslim law. Circumcision means the ablation of a part of the genitalia, whatever is the size of this ablation. We will use other terms only when used by other writers in direct quotations.

3) Different types of male circumcisions

There are four types of male circumcision:

- 1st type: The first type consists of cutting away in part or in totality the skin of the penis that goes beyond the glans. This skin is called foreskin or prepuce.
- 2nd type: The second type of circumcision is practiced mainly by the Jews. The circumciser takes firm grip of the foreskin with his left hand. Having determined the amount to be removed, he clamps a shield on it to protect the glans from injury. The knife is then taken in the right hand and the foreskin is amputated with one sweep along the shield. This part of the operation is called the *milah*. It reveals the mucous membrane (inner lining of the foreskin), the edge of which is then grasped firmly between the thumbnail and index finger of each hand and is torn down the center as far as the corona. This second part of the operation is called *periah*. It is traditionally performed by the circumciser with his sharpened fingernails. Its purpose is to split and peel back the mucosal surface of the glans penis. Rabbis introduced *periah* to make restoration of the foreskin more difficult (*epispasm*).

¹ Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex I.

² Ibn-Mandhur, vol. 7, p. 145-146.

³ Female genital mutilation, report, p. 5.

- 3rd type: The third type involves completely peeling the skin of the penis and sometimes the skin of the scrotum and pubis. This type of circumcision, called in Arabic *salkh* and in English flaying or decutition, existed (and probably continues to exist) among some tribes of South Arabia. Described by different western sources, Henninger questioned their honesty¹, but the western authors substantiated their reports of this practice with photos². The Egyptian physician Saleh Soubhy says that this operation caused unbearable pain and it required forty days to recuperate. He adds: "Some have told me that seventy of a hundred of the new circumcised died"³. Thesiger affirms that the King Ibn-Sa'ud forbade it, considering it a pagan custom⁴. A *fatwa* (religious decision) not dated of Ibn-Baz (d. 1999), the highest Saudi religious authority, condemned it, considering it to be from the Demon. His statement proves that it was practiced in Arabia⁵. Jacques Lantier describes a similar practice in black Africa, in the Namshi tribe⁶.
- 4th type: The fourth type consists in a slitting open of the urinary tube from the scrotum to the glans, creating in this way an opening that looks like the female vagina. Called subincision, this type of circumcision is still performed by the Australian aborigines⁷.

In this book we will treat mainly the first two types that are practiced among Jews, Christians and Muslims.

The age at which circumcision is performed differs from one group to another. For Jews, the Bible advises to circumcise the child "when he is eight days old" (Gn 17:12). For the Muslims, there is no precise age. Classical jurists say that it is preferable that the child be circumcised early, in his first days, and that in any case he must not reach puberty intact. In the United States, circumcision of the male infant is performed before the mother leaves the hospital. Circumcision however can be delayed to an advanced age, before or after marriage. In the case of converts, it takes place after their conversion. It is sometimes practiced after death, among Jews and Muslims, on those that escaped circumcision during their life. In the same way, Jews practice circumcision on stillborn infants and foetuses.

The tools used vary from primitive to modern. The Bible mentions twice the use of flint. Zipporah, Moses' wife, took a flint and cut off her son's foreskin (Ex 4:25), and Joshua received Jehovah's order to make flint knives to circumcise the Jews (Jos 5:2-3). This demonstrates that circumcision was already practiced before the discovery of metals, and that it took time for society to adjust to the use to metal tools. The reason may be also because metal was considered impure at one time. Moses received the following order from Jehovah: "If you make for me an altar of stone, do not build it of hewn stones; for if you use a chisel upon it you profane it" (Ex 20:25). One also reads this order to the people of Israel: "You shall build an altar there to the Lord your God, an altar of stones on which you have not used an iron tool. You must build the altar of the Lord your God of unhewn stones" (Dt 27:5-6). The Bible adds that "Joshua built on Mount Ebal an altar to the Lord, the God of Israel, just as Moses the servant of the Lord had commanded the Israelites, as it

¹ Henninger, p. 393-433.

² Chabukswar: A barbaric method; Bissada: Post-circumcision carcinoma; Koriech: Penile shaft carcinoma.

³ Soubhy: Pèlerinage, p. 129.

⁴ Thesiger, p. 91-92.

⁵ Ibn-Baz: Majmu fatawa, vol. 4, p. 30.

⁶ Lantier, p. 95.

⁷ Bryk, p. 128-134; Annand, Mathilde: Aborigènes: la loi du sexe.

is written in the book of the law of Moses, an altar of unhewn stones, on which no iron tool has been used" (Jos 8:30-31).

According to Jewish legends, Abraham circumcised himself with his sword or by the bite of a scorpion, while he fell on his face¹. A story attributed to Muhammad (d. 632) says that he circumcised himself with an adze (*qaddum*: woodworker's instrument)².

With modernization, men adapted their tools, changing from stone to metal. So circumcision is performed today with a knife, razor blade, scissors, or surgeon's scalpel. More sophisticated devices were invented in the 18th century. We will mention here notably the Gomco Clamp, the Mogen Clamp and the Plastibell. A Malaysian invented a disposable device, of unique utilization, made of plastic, of different sizes, that looks like a corkscrew. This device, called Tara Klamp, received gold medal at the 24th International Exhibition of Inventions in Geneva, in 1996.

Circumcision methods differ according to communities and individual circumcisers. We quote here a description made by the famous Arab surgeon Al-Zahrawi (d. 1036):

Circumcision is nothing but a solution of continuity like other wounds. But as it is a result of our deliberate action, and as it is done particularly to boys, we should plan in this case the very best operation, and the easiest way that leads to safety. Now the Ancients made no mention of circumcision in any of their books, since it was not practiced in their religion; but it is something we have acquired by experience. I have myself seen the common run of practitioners and barbers carry it out with razor and with scissors; they use a spindle-whorl, a ligature of thread and incision by means of the fingernail. I have personally tried all these ways and have not found a better than circumcision with scissors and a thread ligature. For circumcision carried out with the razor is often eluded by the skin; for the skin of the prepuce is of two layers; and often the outer skin is incised and the inner is left intact, so that a second incision is needed, and renewed pain; while when the circumcision is done with a spindle-whorl you are in danger of cutting the tip of the penis, since the tip often goes into the aperture of the whorl. As for circumcision by the fingernail, the nail will often slip off the skin and your operation be spoilt; or the boy's foreskin may be naturally short, for many are born thus, not needing circumcision. I have seen this myself. Experience has taught me the superiority of circumcision with the scissors and the thread ligature. For scissors cut evenly, since the upper edge of the scissors is exactly the same as the lower edge; and so, as you compress your hand, thanks to the correspondence of the two blades you cut equally and simultaneously; and you make the girdle of the thread like a wall all round the skin of the tip of the penis; thus no error can occur.

The manner of operating is first to make the boy, especially if he is one who understands a little, imagine that all you are to do is tie a ligature on the tip of the penis and leave it for another day. Then amuse him and cheer him as much as you can, according to his intelligence; then stand him upright before you, not sitting; and hide the scissors in your sleeve or under your foot and do not let the boy's eye chance upon that or any other instrument. Then with your hand take hold of the tip of the penis, blow into the foreskin and draw it back till the glans penis is exposed; then cleanse from it all unclean matter that has collected. Then legate the indicated place with a double ligature, and a second right around beneath; then take hold at the site of the lower ligature with thumb and forefinger, very firmly, and cut between the ligatures; then quickly push back the skin and draw out the glans penis; then let a little blood flow, for that is all the better

¹ Ginzberg, vol. V, p. 233.

² Al-Bukhari, hadith 3178. See also Muslim, hadith 2370.

and prevents the swelling of the tip of the penis; then wipe it with a piece of soft cloth, then sprinkle on it ashes of dried gourds (this is the best of all that I have tried) or else fine white flour, which is also good; then apply on top of the powders a piece of linen with egg-yolk cooked in rose-water, beaten up with fresh oil of roses of good quality. Leave this on the wound until the following day; then dress it in the usual way till healed¹.

Jews use a circumcision specialist, called a *mohel*, in the setting of a religious ritual. But they also may use a physician in the hospital for the operation. Medical circumcision is not considered valid from a religious viewpoint unless it takes place on the eighth day and in presence of a *mohel* who recites the suitable prayers. Although Muslim authors insist that the operation be performed by an experienced Muslim physician, the great majority of operations are performed by traditional midwives (*daya*) or by barbers.

4) Different types of female circumcisions

As already noted, the WHO abandoned the expression female circumcision and replaced it with the expression female genital mutilation. The joint statement issued in April 1997 by the WHO, UNICEF and UNFPA gave the following definition for the practice:

Female genital mutilation comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural or other non-therapeutic reasons.

The three agencies classified the different types of female circumcision as follows:

- 1st type: The first type is excision of the prepuce, with or without excision of part of the clitoris or of the entire clitoris.
- 2nd type: The second type consists of excision of the clitoris with partial or total excision of the labia minora.
- 3rd type: The third type includes excision of part or all of the external genitalia and stitching/ narrowing of the vaginal opening (infibulation).
- 4th type: This category includes all other types including pricking, piercing or incising of the clitoris and/or labia; stretching of the clitoris and/or labia; cauterizing by burning of the clitoris and surrounding tissue; scraping of tissue surrounding the vaginal orifice (*angurya cuts*) or cutting of the vagina (*gishiri cuts*); the introduction of corrosive substances or herbs into the vagina to cause bleeding or for the purpose of tightening or narrowing it; and any other procedure that falls under the definition of female genital mutilation given above².

In Muslim circles that practice female circumcision, two terms are sometimes used:

- *Khitan al-sunnah*, or *al-sunnah*, which means *circumcision compliant to the tradition of Mahomet*. But Moslem authors are not unanimous in their interpretation. Invoking the famous words of Mahomet, addressing the woman who performed circumcision: "cut little and don't overdo it", the sheik Jad-al-Haq says that *al-sunnah* is about "cutting the woman's foreskin that looks like the crest of the rooster being located above of the exit of the urine". In the same *fatwa*, he adds that *al-sunnah* is about "cutting the skin or the core above of the clitoris, without amputating the totality of the clitoris"³. For Rashid, *al-sunnah* consists in cutting away the hood of the clitoris without touching the clitoris. For Al-Ghawwabi, it is about cutting away

¹ Arab version with English translation in: Albucasis, p. 396-401. French translation in: Mestiri: Abulcassis, p. 136-138.

² Female genital mutilation, a joint WHO/UNICEF/UNFPA statement, p. 3.

³ Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex 6.

the clitoris as well as the labia minora. The WHO and opponents to female circumcision reject the utilization of term *khitan al-sunnah* because it implies a link between this practice and the Islamic religion¹.

- The terms Pharaonic or Sudanese circumcision indicate the 3rd aforesaid type of female circumcision. Those who refuse to assign this practice to the Ancient Egyptians reject the term Pharaonic circumcision. But we will utilize this term Pharaonic to distinguish between this type and the other types of circumcision.

The age at which a girl undergoes genital mutilation varies from region to region, and, within the same country from community to community. For example, in Ethiopia, among the highland population, a baby girl is circumcised when she is seven days old. Among the lowlanders near the Somali border, girls are infibulated at the age of six or seven years. In West African countries, where female genital mutilation is performed as an initiation rite, the age range varies from thirteen up to marriage. Among the Ibos of Nigeria, circumcision is done just before marriage. The Abohs in Mid-Western Nigeria excise a woman just before her first child is born².

Whereas Muslim authors insist that the operation needs to be performed by a Muslim physician who has experience, the great majority of operations are done by traditional midwives (*daya*) or by barbers.

The tools used vary from most primitive to most modern: a piece of glass, a blade, a knife, or even a circumcision device. Rathmann, an American Jewish physician, presented in a 1959 medical magazine a device of his own invention that looks like a crowbar with strong, specially designed jaws. After opening, the lower triangular plate or jaw (which is not perforated) is placed under the prepuce and the jaws are partially closed. A tiny forceps is then used to reach through the hole in the upper jaw to pull the desired amount of prepuce into the clamp. After a lapse of five minutes, the surgeon uses a scalpel to excise the prepuce within the upper jaw³.

5) Figures and geographical distribution

A) Male Circumcision

Truly reliable figures on the extent of male circumcision in the world do not exist. In 1996, during the 4th international symposium held in Lausanne, the following figures were distributed: every year, 13,300,000 male children are circumcised in the world. This makes an average of 1,100,000 children per month, 36,438 children per day, 1,518 children per hour and 25 children per minute⁴. Another source indicates that 23% of the male population of the world is circumcised, which makes a total of 650 million⁵.

Male circumcision is practiced on all male Jews, to the exception of a small number of children who escape due to parental opposition.

The same can be said of Muslims; few escape circumcision. One Iranian studying medicine in Geneva affirmed that he was not circumcised and that in Iran, patriotism comes before religious adherence. But he was not able to tell me the proportion of uncircumcised Iranians. If we were to base an opinion on one case, it would appear that in Iran, male circumcision doesn't have the importance that it has in other Muslim countries. It is more likely that my correspondent was expressing his personal convictions more than the feelings of Irani-

¹ Female genital mutilation, report, p. 4; Fayyad, p. 29.

² Ras-Work: Female genital mutilation, p. 140.

³ Rathmann, p. 115-120.

⁴ Ad hoc working group.

⁵ <http://www.noharmm.org/HGMstats.htm>: Statistics on human genital mutilations, 30 June 1998.

ans in general. The number of intact men among Iranians must also be very few. Muslim minorities living in West are attached to this practice, even when their partners are Christian. This fact breeds marital conflict. In order to avoid these conflicts, a booklet on mixed marriages advises couples to commit in writing that the child will remain intact until he is an adult¹.

Besides the Jews and the Muslims, a certain number of Christians practice male circumcision especially the Christians of Egypt, Sudan and Ethiopia. Their coreligionists in other Arab countries, such as Lebanon, Iraq, Jordan and Syria, are rarely circumcised. There are, however, no statistics to quote for this topic. There are indications that Christians of Palestine began circumcising children, probably due to cohabitation with Jews and Muslims besides the influence of American medical education in the region. They also may opt for this practice to camouflage their religious identity better in a difficult political situation.

In addition to the Christians already mentioned, it is necessary to mention the phenomenon of male circumcision in Anglo-Saxon Western countries. There are no reliable figures for all countries. However, sources agree that the USA is the western country with the highest circumcision rate. The following figures are offered²:

1870	5%
1880	10%
1890	15%
1900	25%
1910	35%
1920	50%
1930	55%
1940	60%
1950	70%
1960	75%
1970	80%
1980	85%
1985	73%
1990	59%
1996	60%

The indicated rates represent the American average. Some regions have higher rates (in 1996: 81% in regions of the Middle-West) or lower (in 1996: 36% in regions of the West). On the other hand, these rates don't take account of circumcisions performed out of hospitals (by Jewish circumcisers, for example).

The rate of circumcision in Australia is 10%, and in Canada 25%. At the beginning of the Second World War the rate of circumcision in Britain was 80% in the high society, and 50% in the working class. After the adoption of a new system of social security, this rate lowered progressively and reached during the 1970s nearly zero. British physicians lost their financial inspiration, the true motive behind circumcision, since they received a

¹ Aldeeb Abu-Sahlieh: Mariages, p. 28 and 36.

² Wallerstein: Circumcision: an american health fallacy, p. 217, completed by Circumcision in the USA: www.circlist.org/critesusa.html.

monthly salary, whether they performed operations or not¹. The rate of circumcision in the Western countries of Europe is low, less than 2%.

B) Female Circumcision

The jurist Ibn-al-Haj (d. 1336) writes: "The tradition is to show male circumcision publicly and to hide female circumcision". This sentence summarizes the present situation. For this fact, the question of female circumcision has been raised publicly only in the last three decades. Until now a lot of people have been unaware of female circumcision, what it consists of, and are astonished at its existence in Egypt. The figures concerning it are difficult to find and uncertain, and we are not sure in what countries it is practiced. The present campaign could help us discover which countries practice it. Here are the figures that we found.

In 1996, during the 4th international symposium held in Lausanne, the following figures were distributed: every year, 2,000,000 girls are circumcised in the world. This makes an average of 166,666 girls per month, 5,480 girls per day, 228 girls per hour, and 3.8 girls every minute². Another source indicates that 5% of the female world population is circumcised, which makes a whole of 100 million³.

The WHO published in 1994, 1996 and 1998 the following figures:

Country	1994	1996	1998
*Benin	1.200.000 (50%)	1.370.000 (50%)	1.365.000 (50%)
*Burkina Faso	3.290.000 (70%)	3.650.000 (70%)	3.656.800 (70%)
*Cameroun	(unknown)	1.330.000 (20%)	1.336.800 (20%)
*Djibouti	196.000 (98%)	290.000 (98%)	248.920 (98%)
*Egypt	13.625.000 (50%)	24.710.000 (80%)	27.905.930 (97%)
*Gambia	270.000 (60%)	450.000 (80%)	396.800 (80%)
*Guinea	1.875.000 (50%)	1.670.000 (50%)	1.999.800 (60%)
*Guinea-Bissau	250.000 (50%)	270.000 (50%)	272.500 (50%)
*Mali	3.112.500 (50%)	4.110.000 (75%)	5.155.900 (94%)
*Mauritania	262.500 (25%)	290.000 (25%)	295.250 (25%)
*Niger	800.000 (20%)	930.000 (20%)	921.200 (20%)
*Nigeria	30.625.000 (50%)	28.170.000 (50%)	25.601.200 (40%)
*Uganda	467.000 (5%)	540.000 (5%)	513.000 (5%)
*Senegal	750.000 (20%)	830.000 (20%)	838.000 (20%)
*Sierra Leone	1.935.000 (90%)	2.070.000 (90%)	2.167.200 (90%)
*Somalia	3.773.000 (98%)	4.580.000 (98%)	5.038.260 (98%)
*Sudan	9.220.000 (89%)	12.450.000 (89%)	12.816.000 (89%)
Center-Africa	750.000 (50%)	740.000 (43%)	759.810 (43%)
Ivory Coast	3.750.000 (60%)	3.020.000 (43%)	3.048.270 (43%)
Eritrea	(with Ethiopia)	1.600.000 (90%)	1.599.300 (90%)
Ethiopia	23.940.000 (90%)	23.240.000 (85%)	24.723.950 (85%)

¹ Romberg: Circumcision, p. 112.

² Ad hoc working group.

³ <http://www.noharmm.org/HGMstats.htm>: Statistics on human genital mutilations, 30 June 1998.

Ghana	2.325.000 (30%)	2.640.000 (30%)	2.635.200 (30%)
Kenya	6.300.000 (50%)	7.050.000 (50%)	6.967.000 (50%)
Liberia	810.000 (60%)	900.000 (60%)	902.400 (60%)
Tanzania	1.345.000 (10%)	1.500.000 (10%)	1.552.000 (10%)
Chad	1.530.000 (60%)	1.930.000 (60%)	1.932.000 (60%)
Togo	950.000 (50%)	1.050.000 (50%)	1.044.500 (50%)
Zaire	945.000 (5%)	1.110.000 (5%)	1.107.900 (50%)
Total	114.296.900	132.490.000	136.797.440

Sources at the WHO estimate that types I and II (excision of the clitoris and labia minora) constitute up to 80% of all female genital mutilation practiced. Type III (infibulation) constitutes approximately 15% of all procedures. About two millions girls are circumcised annually¹. The following remarks are based on the preceding figures:

- 1) All indicated 28 countries are African countries. Among these countries, 17 countries, marked by an asterisk (*), are part of the Organization of the Islamic Conference. But it is necessary to mention that Christians in these countries also practice female circumcision, as is the case in Egypt, in Sudan and in Ethiopia. In Ethiopia, the Jews also practice female circumcision.
- 2) The list demonstrates that Muslim countries as Morocco, Algeria, Tunisia, Palestine, Jordan, Lebanon, Syria, Iraq, Kuwait, Saudi Arabia, Turkey and Iran don't practice female circumcision. But nothing guarantees the exclusion of circumcision in these countries. Sasson says in her book concerning a Saudi princess named Sultana, that female circumcision was practiced even in the royal family². Information indicates that the Bedouin tribes of the Negev still practice it³. It is not known if this custom is practiced among the Bedouin of Jordan, but it seems that it was practiced in certain tribes at the beginning of the 19th century, according to sayings of Father Jaussen. It was called *sirr*, meaning a hidden and mysterious thing⁴.
- 3) The list doesn't mention non-African countries that practice female circumcision, such as Indonesia, Malaysia, Pakistan, India (among the Shiite branch Daudi Bohra), Yemen, Bahrain, United Arab Emirates and Oman. There are no studies in this respect. A recent United Arab Emirates survey indicates that female circumcision takes place in this country "in secret, far from men, who are rarely informed about it". According to answers in an investigation, about 85% of people interrogated maintain that it continues to be practiced there. Previously, midwives did it, but now it is done in hospitals. In this country, it is considered to be "a tradition coming from the Prophet Muhammad"⁵. At the time of my visit to Oman in September 1999, several women informed me that the rate of female circumcision is higher than 90%.
- 4) With regard to Egypt, we have the following numbers: 13,625,000 (50%) in 1994, 24,710,000 (80%) in 1996, and 27,905,930 (97%) in 1998. It doesn't mean that the rate of the female circumcision rose 47% from 1994 to 1997, but merely that data became more reliable. This example demonstrates how difficult it is to get exact figures on the

¹ Sources: Mutilations sexuelles féminines, dossier d'information, 1994; Female genital mutilation: prevalence and distribution, 1996; Toubia; Izett: Female genital mutilation, an overview, 1998.

² Sasson: Sultana, p. 155-158.

³ Asali; Markuze.

⁴ Jaussen, p. 35 and 364.

⁵ Hariz; Mansur, p. 126-127.

subject. Because of the importance of this country in the Arab and Muslim world and the present campaign against female circumcision, we need to have more details.

Female circumcision was not of interest in the past. So one doesn't find it mentioned in the writings of the two defenders of woman's rights Rifa'ah Al-Tahtawi (d. 1873) and Qasim Amin (d. 1908). The president of the Family planning association in Cairo thought that this practice had disappeared. She didn't realize its continued existence until 1978 during the woman's world year, when she received letters from abroad, asking her to protect the girls of her country¹.

In a survey concerning female circumcision presented by Dr. Mahran to the symposium of 1979, he said he had examined 2000 women who frequented the academic clinic of Ain Shams. He discovered that 95% of these women were circumcised. When he began his research, he was criticized for paying attention to an operation that didn't exist or that was practiced rarely in Egypt, and therefore didn't deserve all this attention².

The practice remained well hidden until September 7, 1994, when CNN aired a movie of a circumcision in Cairo performed by a barber on a 10-year-old girl named Najla. It was shown during the *International Conference On Population And Development* held in Cairo. One day before, the Egyptian President had declared that female circumcision had disappeared in Egypt. Apparently those who circumcised thought everybody did, and those who didn't circumcise thought that no one did it anymore³.

From this date forward, the female circumcision debate began to assume a position of importance. The legislature and courts had to take a position to deal with Muslim religious authorities. Numerous publications have been released, the most important of which is from the *National Population Council*, under the direction of Fatima Al-Zanati of the Faculty of Economic and Political Sciences, Cairo University, published in September 1996. This publication is based on a survey of 14.779 women of the different precincts of Egypt. It demonstrates that

- 97% of these women were circumcised: 99.5% in the countryside, and 94% in cities.
- 82% of women continue to sustain this practice: 91% in the countryside, and 70% in cities, of whom 93% non-educated, and 57% educated.
- 74% of women believed that men preferred circumcised women to uncircumcised.
- 64% of circumcised women (on 1.249 women) had the clitoris and the two labia minora completely or partially amputated⁴.

- 5) Female circumcision is not a custom bound to a given geographical region, but it is transferred between individuals and propagated with ideologies. Thus, the West practiced female circumcision from the 19th century to the mid 20th century under the influence of anthropologists who had studied the African tribes⁵. African immigrants also took this practice with them in the West where it happens in hiding. According to oral information, Fundamentalist Muslims of Tunisia and Algeria, influenced by the Egyptian Muslim Brothers, favour the practice although the two countries don't know it. It seems also that Fundamentalist Algerians in Germany practice it on their little girls⁶. Palestinians living in Egypt also practice it.

¹ Al-mumarasat al-taqlidiyyah, p. 6; al-halaqah al-dirasiyyah, p. 10-11.

² Mahran: Al-adrar al-tibbiyyah, p. 55-56.

³ Abd-al-Salam: Al-tashwih al-jinsi, p. 24-25.

⁴ Egypt demographic and health survey, p. 171-183.

⁵ See part 3, chapter 6, section 2.1.B.b.

⁶ Nashrat majmu'at al-amal, no 2, 15.4.1997, p. 2..

- 6) All families that practice female circumcision, practice also male circumcision. Both practices carry the same name: *taharah*, purification. It is one of the reasons for which it is not possible, at least in these families, to fight against female circumcision without fighting against male circumcision.

C) Why is male circumcision more common?

The aforementioned statistical data prove that male circumcision is six times more common than female circumcision. Several factors contribute to this difference.

- Female genitalia are less visible than male genitalia.
- The great majority of people consider genitalia to be private. And a woman's right to bodily integrity is protected more often by this notion, especially as a circumciser would be a person outside the family and the family members usually protect the woman's right to privacy.
- Complications resulting from female circumcision are more common than male circumcision.
- In contrast to female circumcision, male circumcision is usually performed at a younger age. This makes physical domination of the little boys easier.
- Men often make the decision for male circumcision, whereas women make the decision for female circumcision. Women who have felt and remember the pain of this cutting on their own bodies want to save their daughters from it.
- Male circumcision is considered an aesthetic marking and less mutilating than female circumcision.
- Some have considered male circumcision to make the equivalent of a female vagina. This is the case with subincision still performed by the Australian aborigines.
- Male circumcision is a substitute for, or a symbol of, castration. It is a message from the father to warn the son not to compete with him for women under pain to undergo real castration.
- Some have considered circumcision as an offering made to divinities. However, men consider that divinities prefer men to women, people of a high rank to people of a lower rank. So the Bible prescribes sacrifice of a male goat for a chief's sin, and a female goat for the sin of the ordinary people (Lv 4:22-35). One finds the gender factor mentioned regarding sacrifice in many passages of the Bible¹. And even today leaders of the three monotheistic religions maintain that the maker of sacrifices and prayers needs to be male. Attempts of women to attack this men's privilege is in its first stages.
- Some people have considered circumcision as a sign of superiority. This is notably the case with the Jews. The woman is not judged worthy therefore to carry this sign.
- Male circumcision has a stronger religious foundation than female circumcision, as it is not mentioned in any holy book of the three monotheistic religions.
- Campaigns of denigration against female circumcision are stronger than those against male circumcision. They are led and financed by the Western countries and organizations. However, as Jews practice male circumcision, the West prefers not to attack it for fear of being accused of anti-Semitism. Some campaigns against female circumcision have been led directly by Jews benefiting an international audience, as is the case of Edmond Kaiser (d. 2000), founder of *Terre des hommes* and *Sentinelles*, Herta Haas,

¹ Lv 9:2; 16:5-27; 23:18-19; Nb 7:1-9, 16; 15:24; 28:19.

founder of *Terre des femmes* and Fran Hosken, founder of *Women's international network news* They categorically refuse to attack male circumcision.

Part 2.

Religious debate

Jews, Christians and Muslims believe that God established norms that regulate the relations of human beings between themselves and between them and God. These norms, according to them, have been consigned by God to prophets and have been transcribed in sacred books of Holy Scripture. These norms are therefore, to eyes of fundamentalist adepts, of divine origin and don't allow for any modification; even though one can sometimes interpret them.

On the Koran's basis, the Muslim jurists classified the human behaviours in five categories:

- The obligatory behaviour (*wajib*): it is the behaviour that the divine Legislator imposed to believers, not allowing them the choice to abandon them. Such is the case of the practice of fasting and the discharge of debt.
- The recommended behaviour (*mandub, mustahab*): it is the act that the person should prefer to make, without being obliged. Such is the case of giving alms.
- The permitted behaviour (*mubah*): it is the act that the person can either make or not, as he wills. Such is the case of the act of eating, drinking, or getting married. But such an act can become obligatory if it is necessary to avoid an evil act. So it is obligatory to get married to avoid adultery.
- The repugnant behaviour (*makruh*): it is the opposite of the recommended behaviour. It is preferable to abstain from it even though this behaviour is authorized. Such is the case of praying on the side of the road, or repudiating.
- The forbidden behaviour (*muharram*): it is the act that the divine Legislator prohibited. Such is the case of adultery, incest or theft¹.

In the domain that concerns us here, Jewish, Christian and Moslem believers worry about placing circumcision somewhere among these five behaviours. For that placement, they base themselves on their sacred books and the secondary religious books, notably with regard to the way in which circumcision is performed. This caused a juridico-religious debate in these three communities that we shall try to retrace in this part.

Chapter 1.

Circumcision among the Jews

This chapter is divided in five sections. The first presents the texts in the Jewish holy books concerning circumcision. The second will treat the obligatory character of circumcision among the majority of Jews. The third will raise the existence of a nonconformist current among the Jews. The fourth is dedicated to modes of practicing circumcision among Jews. The fifth will be about Jewish female circumcision.

¹ Hasab-Allah, p. 374-380.

Section 1.

Male circumcision in Jewish holy books

1) Definition of Jewish holy books

The Jewish Bible, or *Old Testament* as it is referred to by Christians, includes according to the Catholics and the Orthodox 46 books divided as follows:

- The Pentateuch: Genesis, Exodus, Leviticus, Numbers, Deuteronomy. These five books are also called Torah.
- The Historic books: Joshua, Judges, Ruth, Samuel I and II, Kings I and II, Chronicles I and II, Ezra, Nehemiah, Tobit*, Judith*, Esther, Maccabees I* and II*.
- The Poetic and Wisdom books: Job, Psalms, Proverbs, Ecclesiastes or Qohelet, Song of Solomon, Wisdom*, Ecclesiasticus or Sirach*.
- The prophetic books: Isaiah, Jeremiah, Lamentations, Baruch*, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zechariah, Malachi.

The Jews and the Protestants do not admit the seven books marked with asterisk, so-called deuterocanonical books. Also not admitted are fragments from Esther (10:4-16:24) and Daniel (3:24-90; chapters 13 and 14). On the other hand, Samaritans only accept the five books of the Pentateuch.

All these books have been written before Christ, but historians are not unanimous on their dating. So the first five books that compose the Pentateuch were assigned to Moses, who lived in the 13th century B.C. But one discovered that these books report facts whose historicity is put in doubt and pass on to us norms taken from the different civilizations from which the Jews have been mingled. The same doubt persists with regard to the other books. But the fundamentalist Jews believe that God revealed all these books, and therefore they have a legal value.

In addition of the holy books, the Jews assign a major importance to the Mishnah and the Talmud of which we should say some words here.

- The Mishnah: This term means what one learns by heart. It is a political, legal and religious collection collecting old Jewish traditions based on the holy books. The compilation of these extracts has been started in Tiberias with Shim'on Ibn Gamla'el in 166 and has been finished by Yahuda Hanasi around 216.
- The Talmud: This term means the teaching. It is an extension of the Mishnah. It has been written by the Jewish wise men and jurists. One knows two versions of it: the Talmud of Jerusalem, called also the Talmud of the Land of Israel. It was written in Tiberias and was finished towards the end of the 4th century; and the Talmud of Babylon. It is five times more developed than the previous version. It has been written in Babylon towards the 5th century.

The Jews consider the Mishnah as the half of the Bible revealed to Moses in Sinai. The Talmud acquired its importance because it is a commentary of the Mishnah. These two texts constitute the second source of Jewish law. The Jewish sect of the Karaites rejects both Mishnah and Talmud, but has its own traditions in addition to scripture. Let's point out here that Mishnah and Talmud refer to circumcision notably in the chapter concerning the Sabbath, to note that the practice of circumcision was permitted at that time.

Here we only transcribe the canonical and deuterocanonical passages that are about circumcision, referring the texts of Mishnah and Talmud to following chapters. One will notice in this respect that the term circumcision has often been replaced by the term covenant.

It is the case in chapter 17 of the Genesis, chapter 56 of Isaiah, and chapters 1 and 2 of the book of the Maccabees. The term covenant is mentioned 307 times in the Bible (according to the French version of the Bible of Jerusalem); it has sometimes been interpreted as indicating circumcision, without the least proof. Such is the case of Isaiah 59:21¹.

2) Texts concerning circumcision

Genesis, chapter 17

(1) When Abram was ninety-nine years old, the Lord appeared to Abram, and said to him: "I am God Almighty; walk before me, and be blameless. (2) And I will make my covenant between me and you, and will make you exceedingly numerous". (3) Then Abram fell on his face; and God said to him: (4) "As for me, this is my covenant with you: You shall be the ancestor of a multitude of nations. (5) No longer shall your name be Abram, but your name shall be Abraham; for I have made you the ancestor of a multitude of nations. (6) I will make you exceedingly fruitful; and I will make nations of you, and kings shall come from you. (7) I will establish my covenant between me and you, and your offspring after you throughout their generations, for an everlasting covenant, to be God to you and to your offspring after you. (8) And I will give to you, and to your offspring after you, the land where you are now an alien, all the land of Canaan, for a perpetual holding; and I will be their God". (9) God said to Abraham: "As for you, you shall keep my covenant, you and your offspring after you throughout their generations. (10) This is my covenant, which you shall keep, between me and you and your offspring after you: Every male among you shall be circumcised. (11) You shall circumcise the flesh of your foreskins, and it shall be a sign of the covenant between me and you. (12) Throughout your generations every male among you shall be circumcised when he is eight days old, including the slave born in your house and the one bought with your money from any foreigner who is not of your offspring. (13) Both the slave born in your house and the one bought with your money must be circumcised. So shall my covenant be in your flesh an everlasting covenant. (14) Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant". (15) God said to Abraham: "As for Sarai your wife, you shall not call her Sarai, but Sarah shall be her name. (16) I will bless her, and moreover I will give you a son by her. I will bless her, and she shall give rise to nations; kings of peoples shall come from her". [...] (23) Then Abraham took his son Ishmael and all the slaves born in his house or bought with his money, every male among the men of Abraham's house, and he circumcised the flesh of their foreskins that very day, as God had said to him. (24) Abraham was ninety-nine years old when he was circumcised in the flesh of his foreskin. (25) And his son Ishmael was thirteen years old when he was circumcised in the flesh of his foreskin. (26) That very day Abraham and his son Ishmael were circumcised; (27) and all the men of his house, slaves born in the house and those bought with money from a foreigner, were circumcised with him.

Genesis, chapter 21

(1) The Lord dealt with Sarah as he had said, and the Lord did for Sarah as he had promised. (2) Sarah conceived and bore Abraham a son in his old age, at the time of which God had spoken to him. (3) Abraham gave the name Isaac to his son whom Sarah bore him. (4) And Abraham circumcised his son Isaac when he was eight days old, as God had commanded him.

¹ See for example Klein: A guide to Jewish religious practice, p. 421.

Genesis, chapter 34

(1) Now Dinah the daughter of Leah, whom she had borne to Jacob, went out to visit the women of the region. (2) When Shechem son of Hamor the Hivite, prince of the region, saw her, he seized her and lay with her by force. [...] (6) And Hamor the father of Shechem went out to Jacob to speak with him, (7) just as the sons of Jacob came in from the field. When they heard of it, the men were indignant and very angry, because he had committed an outrage in Israel by lying with Jacob's daughter, for such a thing ought not to be done. (8) But Hamor spoke with them, saying: "The heart of my son Shechem longs for your daughter; please give her to him in marriage. (9) Make marriages with us; give your daughters to us, and take our daughters for yourselves. (10) You shall live with us; and the land shall be open to you; live and trade in it, and get property in it". [...] (13) The sons of Jacob answered Shechem and his father Hamor deceitfully, because he had defiled their sister Dinah. (14) They said to them: "We cannot do this thing, to give our sister to one who is uncircumcised, for that would be a disgrace to us. (15) Only on this condition will we consent to you: that you will become as we are and every male among you be circumcised. (16) Then we will give our daughters to you, and we will take your daughters for ourselves, and we will live among you and become one people. (17) But if you will not listen to us and be circumcised, then we will take our daughter and be gone". (18) Their words pleased Hamor and Hamor's son Shechem. (19) And the young man did not delay to do the thing, because he was delighted with Jacob's daughter. Now he was the most honoured of all his family. (20) So Hamor and his son Shechem came to the gate of their city and spoke to the men of their city, saying: (21) "These people are friendly with us; let them live in the land and trade in it, for the land is large enough for them; let us take their daughters in marriage, and let us give them our daughters. (22) Only on this condition will they agree to live among us, to become one people: that every male among us be circumcised as they are circumcised. (23) Will not their livestock, their property, and all their animals be ours? Only let us agree with them, and they will live among us". (24) And all who went out of the city gate heeded Hamor and his son Shechem; and every male was circumcised, all who went out of the gate of his city. (25) On the third day, when they were still in pain, two of the sons of Jacob, Simeon and Levi, Dinah's brothers, took their swords and came against the city unawares, and killed all the males. (26) They killed Hamor and his son Shechem with the sword, and took Dinah out of Shechem's house, and went away. (27) And the other sons of Jacob came upon the slain, and plundered the city, because their sister had been defiled. (28) They took their flocks and their herds, their donkeys, and whatever was in the city and in the field. (29) All their wealth, all their little ones and their wives, all that was in the houses, they captured and made their prey.

Exodus, chapter 4

(19) The Lord said to Moses in Midian: "Go back to Egypt; for all those who were seeking your life are dead". (20) So Moses took his wife and his sons, put them on a donkey and went back to the land of Egypt; and Moses carried the staff of God in his hand. [...] (24) On the way, at a place where they spent the night, the Lord met him and tried to kill him. (25) But Zipporah took a flint and cut off her son's foreskin, and touched Moses' feet with it, and said: "Truly you are a bridegroom of blood to me!" (26) So he let him alone. It was then she said: "A bridegroom of blood by circumcision".

Exodus, chapter 12

(43) The Lord said to Moses and Aaron: This is the ordinance for the passover: no foreigner shall eat of it, (44) but any slave who has been purchased may eat of it after he has been circumcised; (45) no bound or hired servant may eat of it. [...] (48) If an alien who resides

with you wants to celebrate the passover to the Lord, all his males shall be circumcised; then he may draw near to celebrate it; he shall be regarded as a native of the land. But no uncircumcised person shall eat of it; (49) there shall be one law for the native and for the alien who resides among you.

Leviticus, chapter 12

(1) The Lord spoke to Moses, saying: (2) Speak to the people of Israel, saying: If a woman conceives and bears a male child, she shall be ceremonially unclean seven days; as at the time of her menstruation, she shall be unclean. (3) On the eighth day the flesh of his foreskin shall be circumcised. (4) Her time of blood purification shall be thirty-three days; she shall not touch any holy thing, or come into the sanctuary, until the days of her purification are completed. (5) If she bears a female child, she shall be unclean two weeks, as in her menstruation; her time of blood purification shall be sixty-six days.

Leviticus, chapter 19

(23) When you come into the land and plant all kinds of trees for food, then you shall regard their fruit as forbidden; three years it shall be forbidden to you, it must not be eaten.

Leviticus, chapter 26

(38) You shall perish among the nations, and the land of your enemies shall devour you. (39) And those of you who survive shall languish in the land of your enemies because of their iniquities; also they shall languish because of the iniquities of their ancestors. [...] (41) So that I, in turn, continued hostile to them and brought them into the land of their enemies; if then their uncircumcised heart is humbled and they make amends for their iniquity,

Deuteronomy, chapter 10

(12) So now, O Israel, what does the Lord your God require of you? Only to fear the Lord your God, to walk in all his ways, to love him, to serve the Lord your God with all your heart and with all your soul, [...] (16) Circumcise, then, the foreskin of your heart, and do not be stubborn any longer.

Deuteronomy, chapter 30

(3) Then the Lord your God will restore your fortunes and have compassion on you, gathering you again from all the peoples among whom the Lord your God has scattered you. (4) Even if you are exiled to the ends of the world, from there the Lord your God will gather you, and from there he will bring you back. (5) The Lord your God will bring you into the land that your ancestors possessed, and you will possess it; he will make you more prosperous and numerous than your ancestors. (6) Moreover, the Lord your God will circumcise your heart and the heart of your descendants, so that you will love the Lord your God with all your heart and with all your soul, in order that you may live.

Joshua, chapter 5

(2) At that time the Lord said to Joshua: "Make flint knives and circumcise the Israelites a second time". (3) So Joshua made flint knives, and circumcised the Israelites at Gibeath-haaraloth. (4) This is the reason why Joshua circumcised them: all the males of the people who came out of Egypt, all the warriors, had died during the journey through the wilderness after they had come out of Egypt. (5) Although all the people who came out had been circumcised, yet all the people born on the journey through the wilderness after they had come out of Egypt had not been circumcised. (6) For the Israelites travelled forty years in the wilderness, until all the nation, the warriors who came out of Egypt, perished, not having listened to the voice of the Lord. To them the Lord swore that he would not let them see the land that he had sworn to their ancestors to give us, a land flowing with milk and hon-

ey. (7) So it was their children, whom he raised up in their place, that Joshua circumcised; for they were uncircumcised, because they had not been circumcised on the way. (8) When the circumcising of all the nation was done, they remained in their places in the camp until they were healed. (9) The Lord said to Joshua: "Today I have rolled away from you the disgrace of Egypt". And so that place is called Gilgal to this day.

Judges, chapter 14

(1) Once Samson went down to Timnah, and at Timnah he saw a Philistine woman. (2) Then he came up, and told his father and mother: "I saw a Philistine woman at Timnah; now get her for me as my wife". (3) But his father and mother said to him: "Is there not a woman among your kin, or among all our people, that you must go to take a wife from the uncircumcised Philistines?" But Samson said to his father: "Get her for me, because she pleases me".

I Samuel, chapter 14

(6) Jonathan said to the young man who carried his armour: "Come, let us go over to the garrison of these uncircumcised; it may be that the Lord will act for us; for nothing can hinder the Lord from saving by many or by few".

I Samuel, chapter 18

(6) As they were coming home, when David returned from killing the Philistine, the women came out of all the towns of Israel, singing and dancing, to meet King Saul, with tambourines, with songs of joy, and with musical instruments. (7) And the women sang to one another as they made merry: "Saul has killed his thousands, and David his ten thousands". (8) Saul was very angry [...] (20) Now Saul's daughter Michal loved David. Saul was told, and the thing pleased him. (21) Saul thought: "Let me give her to him that she may be a snare for him and that the hand of the Philistines may be against him". Therefore Saul said to David a second time: "You shall now be my son-in-law". (22) Saul commanded his servants: "Speak to David in private and say: 'See, the king is delighted with you, and all his servants love you; now then, become the king's son-in-law'". (23) So Saul's servants reported these words to David in private. And David said: "Does it seem to you a little thing to become the king's son-in-law, seeing that I am a poor man and of no repute?" (24) The servants of Saul told him: "This is what David said". (25) Then Saul said: "Thus shall you say to David: 'The king desires no marriage present except a hundred foreskins of the Philistines, that he may be avenged on the king's enemies'". Now Saul planned to make David fall by the hand of the Philistines. (26) When his servants told David these words, David was well pleased to be the king's son-in-law. Before the time had expired, (27) David rose and went, along with his men, and killed two hundred of the Philistines; and David brought their foreskins, which were given in full number to the king, that he might become the king's son-in-law. Saul gave him his daughter Michal as a wife. (28) But when Saul realized that the Lord was with David, and that Saul's daughter Michal loved him, (29) Saul was still more afraid of David.

I Kings, chapter 19

(9) At that place he [Elijah] came to a cave, and spent the night there. Then the word of the Lord came to him, saying: "What are you doing here, Elijah?" (10) He answered: "I have been very zealous for the Lord, the God of hosts; for the Israelites have forsaken your covenant, thrown down your altars, and killed your prophets with the sword. I alone am left, and they are seeking my life, to take it away".

Judith, chapter 14

(10) When Achior saw all that the God of Israel had done, he believed firmly in God. So he was circumcised, and joined the house of Israel, remaining so to this day.

Isaiah, chapter 52

(1) Awake, awake, put on your strength, O Zion! Put on your beautiful garments, O Jerusalem, the holy city; for the uncircumcised and the unclean shall enter you no more.

Isaiah, chapter 56

(3) Do not let the foreigner joined to the Lord say: "The Lord will surely separate me from his people"; and do not let the eunuch say: "I am just a dry tree". (4) For thus says the Lord: To the eunuchs who keep my sabbaths, who choose the things that please me and hold fast my covenant, (5) I will give, in my house and within my walls, a monument and a name better than sons and daughters; I will give them an everlasting name that shall not be cut off. (6) And the foreigners who join themselves to the Lord, to minister to him, to love the name of the Lord, and to be his servants, all who keep the sabbath, and do not profane it, and hold fast my covenant - (7) these I will bring to my holy mountain, and make them joyful in my house of prayer; their burnt offerings and their sacrifices will be accepted on my altar; for my house shall be called a house of prayer for all peoples.

Isaiah, chapter 59

(21) And as for me, this is my covenant with them, says the Lord: my spirit that is upon you, and my words that I have put in your mouth, shall not depart out of your mouth, or out of the mouths of your children, or out of the mouths of your children's children, says the Lord, from now on and forever.

Jeremiah, chapter 4

(3) For thus says the Lord to the people of Judah and to the inhabitants of Jerusalem: Break up your fallow ground, and do not sow among thorns. (4) Circumcise yourselves to the Lord, remove the foreskin of your hearts, O people of Judah and inhabitants of Jerusalem, or else my wrath will go forth like fire, and burn with no one to quench it, because of the evil of your doings.

Jeremiah, chapter 6

(10) To whom shall I speak and give warning, that they may hear? See, their ears are closed, they cannot listen. The word of the Lord is to them an object of scorn; they take no pleasure in it.

Jeremiah, chapter 9

(25) The days are surely coming, says the Lord, when I will attend to all those who are circumcised only in the foreskin: (26) Egypt, Judah, Edom, the Ammonites, Moab, and all those with shaven temples who live in the desert. For all these nations are uncircumcised, and all the house of Israel is uncircumcised in heart.

Ezekiel, chapter 28

(1) The word of the Lord came to me: (2) Mortal, say to the prince of Tyre, Thus says the Lord God: Because your heart is proud and you have said: "I am a god; I sit in the seat of the gods, in the heart of the seas: "yet you are but a mortal, and no god, though you compare your mind with the mind of a god. [...] (10) You shall die the death of the uncircumcised by the hand of foreigners; for I have spoken, says the Lord God.

Ezekiel, chapter 31

(1) In the eleventh year, in the third month, on the first day of the month, the word of the Lord came to me: (2) Mortal, say to Pharaoh king of Egypt and to his hordes: Whom are you like in your greatness? [...] (18) Which among the trees of Eden was like you in glory and in greatness? Now you shall be brought down with the trees of Eden to the world below; you shall lie among the uncircumcised, with those who are killed by the sword. This is Pharaoh and all his horde, says the Lord God.

Ezekiel, chapter 32

(18) Mortal, wail over the hordes of Egypt, and send them down, with Egypt and the daughters of majestic nations, to the world below, with those who go down to the Pit. (19) "Whom do you surpass in beauty? Go down! Be laid to rest with the uncircumcised!" (20) They shall fall among those who are killed by the sword. Egypt has been handed over to the sword; carry away both it and its hordes. (21) The mighty chiefs shall speak of them, with their helpers, out of the midst of Sheol: "They have come down, they lie still, the uncircumcised, killed by the sword".

Ezekiel, chapter 44

(6) Say to the rebellious house, to the house of Israel, Thus says the Lord God: O house of Israel, let there be an end to all your abominations (7) in admitting foreigners, uncircumcised in heart and flesh, to be in my sanctuary, profaning my temple when you offer to me my food, the fat and the blood. You have broken my covenant with all your abominations. (8) And you have not kept charge of my sacred offerings; but you have appointed foreigners to act for you in keeping my charge in my sanctuary. (9) Thus says the Lord God: No foreigner, uncircumcised in heart and flesh, of all the foreigners who are among the people of Israel, shall enter my sanctuary.

I Maccabees, chapter 1

(10) In those days certain renegades came out from Israel and misled many, saying: "Let us go and make a covenant with the Gentiles around us, for since we separated from them many disasters have come upon us". (11) This proposal pleased them, (12) and some of the people eagerly went to the king, who authorized them to observe the ordinances of the Gentiles. (13) So they built a gymnasium in Jerusalem, according to Gentile custom, (14) and removed the marks of circumcision, and abandoned the holy covenant. They joined with the Gentiles and sold themselves to do evil. [...] (40) Then the king wrote to his whole kingdom that all should be one people, (41) and that all should give up their particular customs. (42) All the Gentiles accepted the command of the king. Many even from Israel gladly adopted his religion; they sacrificed to idols and profaned the sabbath. (43) And the king sent letters by messengers to Jerusalem and the towns of Judah; he directed them to follow customs strange to the land [...] (47) and to leave their sons uncircumcised. They were to make themselves abominable by everything unclean and profane, (48) so that they would forget the law and change all the ordinances. (49) He added: "And whoever does not obey the command of the king shall die". (50) In such words he wrote to his whole kingdom. He appointed inspectors over all the people and commanded the towns of Judah to offer sacrifice, town by town [...] (59) According to the decree, they put to death the women who had their children circumcised, (60) and their families and those who circumcised them; and they hung the infants from their mothers' necks. (61) But many in Israel stood firm and were resolved in their hearts not to eat unclean food. (62) They chose to die rather than to be defiled by food or to profane the holy covenant; and they did die. (63) Very great wrath came upon Israel.

I Maccabees, chapter 2

(1) In those days Mattathias son of John son of Simeon, a priest of the family of Joarib, moved from Jerusalem and settled in Modein. (2) He had five sons [...]. (6) He saw the blasphemies being committed in Judah and Jerusalem, (7) and said: "Alas! Why was I born to see this, the ruin of my people, the ruin of the holy city, and to live there when it was given over to the enemy, the sanctuary given over to aliens?" [...] (42) Then there united with them a company of Hasideans, mighty warriors of Israel, all who offered themselves willingly for the law [...]. (45) And Mattathias and his friends went around and tore down the altars; (46) they forcibly circumcised all the uncircumcised boys that they found within the borders of Israel.

II Maccabees, chapter 6

(1) Not long after this, the king sent an Athenian senator to compel the Jews to forsake the laws of their ancestors and no longer to live by the laws of God [...]. (8) At the suggestion of the people of Ptolemais a decree was issued to the neighbouring Greek cities that they should adopt the same policy towards the Jews and make them partake of the sacrifices, (9) and should kill those who did not choose to change over to Greek customs. One could see, therefore, the misery that had come upon them. (10) For example, two women circumcised their children. They publicly paraded them around the city, with their babies hanging at their breasts, and then hurried them down headlong from the wall.

Section 2.

Obligatory character of circumcision

After having indicated the Jewish holy texts that refer to male circumcision, we need to see how the Jews, from these texts, considered and continue today to consider circumcision. But we need to start with putting this practice in its geographical and historic setting.

1) Circumcision in ancient Middle-East

Basing themselves on the apocryphal gospel of Barnabas¹, modern Muslim authors speculate that Adam practiced circumcision after his expulsion from paradise. Having been abandoned by Adam's sons, God re-established it with Abraham². This affirmation enters in conflict with the Jewish narratives taken by Muslims, to which we will return, that says that Adam and Abraham were born circumcised.

If one leaves aside these unverifiable beliefs, one notes that the oldest testimonies of the practice of male circumcision come from Egypt, in a period prior to Abraham.

A stele of Naga Al-Deir, dating of the 23rd century B.C. mentions that the king's civil servant had been circumcised with 120 other people. In a block of the tomb of Mereri at Dendera, the tomb owner relates how he "buried its (i.e., the town's or the nome's) old men and circumcised their youths"³. In 20th century B.C., Sinoserit 1st says that the God Sun had named him master of humans when "I was a boy before the foreskin was removed for me". Toward the 19th century B.C., the governor Khanobohotim II says that before having been circumcised his father was a governor.

A depiction in the 6th Dynasty tomb of the royal architect Ankhmahor at Saqqara, in the doorway to room VI shows two adjacent scenes. At the right-hand side, a boy is standing at

¹ See the text in part 2, chapter 3, section 3.2.

² Al-Sukkari, p. 12; Abd-al-Raziq: Al-khitan, p. 16.

³ Janssen, p. 93.

his ease, with his left hand on the head of a man squatting before him. This man applies something to the boy's penis in order to make the procedure less painful, as is apparent from the accompanying hieroglyphic caption: "I will make it comfortable". At the left-hand side the boy is firmly grasped by a third person standing behind him, while a surgeon performs the operation. It has been stressed that it was a priest who acts as surgeon, suggesting that circumcision was a religious rite. This priest urges his assistant to "Hold him firmly. Don't let him swoon". And his assistant answers: "I will do according to your order". So far as is visible, the relief indicates that the foreskin was not removed but merely incised with a V-shaped cut¹. On the other hand, the Museum of Cairo keeps a set of statuettes in stone and in wood whose penis is circumcised. Some mummies seem to indicate that they had undergone circumcision².

A stele commemorates the victory of the King Piye in 728 B.C. on a coalition of Delta princes and his ascension to the Egyptian throne. The stele describes the arrival of northern and southern rulers to express their loyalty to the king. They could not enter the palace because they were uncircumcised and were eaters of fish, which is an abomination to the palace, but king Namart entered the palace because he was clean and did not eat fish. In Egypt, the king's palace was considered to be a holy site, virtually a temple, because the king was regarded as the representative of the gods on earth. Entry into the palace thus required the same kind of purification rites that preceded entry into a temple. We have a similar prohibition of entering the temple in the Ptolomean inscription in the Isis temple in Philae, which instructs visitors to the temple that entry is barred to those who have eaten forbidden foods and to those who are uncircumcised³. The mention of fish with circumcision in these two inscriptions could be in relation with the Egyptian myth reported by Plutarch (toward 125). According to this myth, the goddess Isis tempted to gather parts of Osiris body that Seth had cut up, but she couldn't find his penis swallowed by three fishes representing the forces of evil⁴.

Herodotus (d. ca 424 B.C.) reports from his visit in Egypt that "whereas other men, except such as have learnt otherwise from the Egyptians, have their members as nature made them, the Egyptians practice circumcision". He adds:

They are religious excessively beyond all other men, and with regard to this they have customs as follows: they drink from cups of bronze and rinse them out every day, and not some only do this but all: they wear garments of linen always newly washed, and this they make a special point of practice: they circumcise themselves for the sake of cleanliness, preferring to be clean rather than comely. The priests shave themselves all over their body every other day, so that no lice or any other foul thing may come to be upon them when they minister to the gods⁵.

Concerning the origin of this practice, Herodotus says: "Of the Egyptians themselves however and the Ethiopians, I am not able to say which learnt from the other, for undoubtedly it is a most ancient custom"⁶.

Strabo, who had visited Egypt between 25 and 23 B.C., writes:

¹ Ibid., p. 90-92.

² Barth: *Berit mila*, p. 93-94; Feucht, p. 245-251.

³ Galpaz-Feller, p. 507-521.

⁴ Plutarque: *Oeuvres morales*, tome V, part 2, p. 192-193.

⁵ Herodotus: *The History*, Book II, 36-37.

⁶ Ibid., Book II, 104.

One of the customs most zealously observed among the Egyptians is this, that they rear every child that is born, and circumcise the males, and excise the females, as is also customary among the Jews, who are also Egyptians in origin¹.

Speaking of the Jewish circumcision "object of ridicule among many people", Philo of Alexandria (d. 54), says that it is "very zealously observed by many other nations, particularly by the Egyptians, a race regarded as preeminent for its populousness, its antiquity and its attachment to philosophy"². Elsewhere, he says: "the Egyptians by the custom of their country circumcise the marriageable youth and maid in the fourteenth year of their age, when the male begins to get seed, and the female to have a menstrual flow"³.

After examining Egyptian engravings and writings, a book on childhood in ancient Egypt says:

To summarize, it is evident that in early ages circumcision was possibly general, obligatory for every youth in order to attain social adulthood. That the phallus hieroglyph is depicted as circumcised constitutes an additional indication. In later periods it became voluntary, compulsory only for particular groups such as boys who were to become priests. Perhaps we may extend the group and suggest that it was mandatory for those lads who were expected to become officials, as the Middle Kingdom examples and the 18th Dynasty text concerning Useramun, if correctly interpreted, would indicate. Indeed, most men of whom statues or texts show that they underwent the surgery, such as Ankhmahor, belonged to the upper levels of society. Yet, one or possibly two Pharaohs were not operated upon, although they descended from rulers. The practice thus seems to have devolved into an inaugural rite rather than forming part of a puberty ritual⁴.

Some Jewish legends say that Joseph had introduced circumcision in Egypt. Having been charged by Pharaoh responsible of wheat reserves for years of famines, the Egyptians approached him with the petition for bread. He spoke, saying: "I give no food to the uncircumcised. Go hence, and circumcise yourselves, and then return hither". The Egyptians complained to Pharaoh regarding Joseph, but he said: "Go unto Joseph and do as he bids you"⁵. According to another legend, Ethiopians learned from Moses the custom of circumcision⁶.

Besides Egypt, it seems that circumcision has been practiced in other regions of the Middle East. Three Syrian metallic statuettes of the 28th century B.C. represent three nude males, with their genitalia exposed. The corona of the penis on two of the males is entirely visible, which means that they were completely circumcised, whereas the third is partially circumcised⁷. Herodotus reports that "the Phoenicians and the Syrians who dwell in Palestine confess themselves that they have learnt it from the Egyptians [...]. Those of the Phoenicians who have intercourse with Hellas cease to follow the example of the Egyptians in this matter, and do not circumcise their children"⁸. The Bible indicates that Arabs⁹ and Philistines¹⁰ were uncircumcised. Josephus says that Jews are the only inhabitants of Palestine

¹ Strabo: The geography of Strabo, vol. 8, p. 153 (17.2.5).

² Philo: The special laws, Book I, I.

³ Philo: Questions and answers on Genesis, Book III, 47.

⁴ Janssen, p. 97.

⁵ Ginzberg, vol. II, p. 78-79.

⁶ Ibid., vol. V, p. 407.

⁷ Barth: Berit mila, p. 95.

⁸ Herodotus: The History, Book II, 104.

⁹ See Je 9:25.

¹⁰ See Gn 34:14 and Je 14:3.

who circumcised¹. Concerning Arabs, probably because he considers them as descendants of Ishmael, he says that they circumcised their children at the age of 13 years².

2) Circumcision, elected people and promised land

If we come back to the Jewish sacred texts mentioned higher, one could summarize them as follows:

- Genesis 17: Jehovah orders Abraham to circumcise himself, and all male children on the eighth day as well as his slaves; Ishmael is circumcised at the age of 13 years.
- Genesis 21: Circumcision of Isaac.
- Exodus 4: Circumcision of Moses' son by his mother.
- Exodus 12: The circumcision is a condition to celebrate the Passover.
- Leviticus 12: Jehovah orders Moses to circumcise all male children on the eighth day.
- Joshua 5: Jehovah orders Joshua to circumcise the Jews in the desert.

These texts mean that circumcision began because of an order of Jehovah given to Abraham, the legendary father of the Jews (descendants of Isaac) and of the Arabs (descendants of Ishmael). But the utilization of the flint³ as tool of circumcision supposes that this practice comes from the stone age. On the other hand, historians, so much Jews as non-Jews, put in doubt the chronological order of the aforesaid biblical texts. They estimate that the oldest text is the one of Exodus 4, text written in the 10th century B.C. Joshua 5, text written in the 7th century B.C., follows it. As for the texts of Genesis 17 and Leviticus 12, they were probably written in the 6th century B.C.⁴

And if we consider Genesis 17, relative to Abraham's circumcision, as the first historic text on the circumcision, this text calls into question Abraham's historicity. He is supposed to have lived in the 19th century B.C., ten centuries before the writing of the book of the Genesis - if we accept that this book has been written in the 9th century B.C. But some doubt Abraham's existence and consider him to have been a mythical patriarch. In 1926, Taha Husayn (d. 1973) raised a storm by challenging the historicity of both Abraham and Ishmael, even though they were mentioned in the Koran⁵. More lately, Kamal Salibi, a Christian Jordanian, sustained that the Bible speaks of two Abrahams: a Hebrew Abraham and an Aramaic Abraham⁶.

In addition, some historians say that Genesis 17 is a composite text, gathering narratives and legends belonging to different times. In this text, Abraham belongs to a pastoral society. But this text prophesies about kings, who will come out of his offspring (verses 6 and 16). Thus, one might envision an unknown priest living in a period when kings reigned, around the 9th century B.C., composing this passage.

The main textual question is political order. It concerns a covenant between Jehovah and the Jews, a covenant that justifies for the Jews, the seizure of land away from the native inhabitants: "And I will give to you, and to your offspring after you, the land where you are now an alien, all the land of Canaan, for a perpetual holding; and I will be their God" (Gn 17:8). It is the origin of the concept of the "promised land," that the Jews invoke even today to legitimize their rights to Palestine. In addition to this territorial concept, we have to

¹ Josephus: Against Apion I, 171.

² Josephus: Jewish antiquities, I, 214.

³ Gn 4:25; Jos 5:2-3.

⁴ Larue.

⁵ Husayn: Fi al-shi'r al-jahili, p. 399.

⁶ Al-Salibi, p. 89 ss.; see also Al-Qimni.

add the concept of the "elect people", a racist concept. In counterpart, or as sign of the covenant, the promise and the election, Jehovah asks Abraham to circumcise himself and his children at the age of eight days, and all his slaves. However, the circumcision of minors and others without their consent presents a moral and legal problem. Does one have the right to mutilate another person's genitalia? If Abraham sacrifices his organs to Jehovah, that is his own business, but can he sacrifice someone else's organs?

Genesis 17 poses therefore three ethical problems that pushed the Fathers of the Church to interpret the circumcision in a symbolic sense: to abstain from committing evil with the sexual organ. We will come back on this point in the Christian debate.

One will emphasize in this respect that the cut as sign of covenant and promise, is mentioned in Genesis 15 which speaks not of cutting the foreskin but animals:

(1) After these things the word of the Lord came to Abram in a vision: "Do not be afraid, Abram, I am your shield; your reward shall be very great". (2) But Abram said: "O Lord God, what will you give me, for I continue childless, and the heir of my house is Eliezer of Damascus?" (3) And Abram said: "You have given me no offspring, and so a slave born in my house is to be my heir". (4) But the word of the Lord came to him: "This man shall not be your heir; no one but your very own issue shall be your heir". (5) He brought him outside and said: "Look toward heaven and count the stars, if you are able to count them". Then he said to him: "So shall your descendants be". (6) And he believed the Lord; and the Lord reckoned it to him as righteousness. (7) Then he said to him: "I am the Lord who brought you from Ur of the Chaldeans, to give you this land to possess". (8) But he said: "O Lord God, how am I to know that I shall possess it?" (9) He said to him: "Bring me a heifer three years old, a female goat three years old, a ram three years old, a turtledove, and a young pigeon". (10) He brought him all these and cut them in two, laying each half over against the other; but he did not cut the birds in two. (11) And when birds of prey came down on the carcasses, Abram drove them away. (12) As the sun was going down, a deep sleep fell upon Abram, and a deep and terrifying darkness descended upon him. (13) Then the Lord said to Abram: "Know this for certain, that your offspring shall be aliens in a land that is not theirs, and shall be slaves there, and they shall be oppressed for four hundred years; (14) but I will bring judgment on the nation that they serve, and afterward they shall come out with great possessions. (15) As for yourself, you shall go to your ancestors in peace; you shall be buried in a good old age. (16) And they shall come back here in the fourth generation; for the iniquity of the Amorites is not yet complete". (17) When the sun had gone down and it was dark, a smoking fire pot and a flaming torch passed between these pieces. (18) On that day the Lord made a covenant with Abram, saying: "To your descendants I give this land, from the river of Egypt to the great river, the river Euphrates" (Gn 15:1-18).

One will also notice that genitalia served in the past to make a vow, as proved in these two passages from the Bible:

Now Abraham was old, well advanced in years; and the Lord had blessed Abraham in all things. Abraham said to his servant, the oldest of his house, who had charge of all that he had: "Put your hand under my thigh and I will make you swear by the Lord, the God of heaven and earth, that you will not get a wife for my son from the daughters of the Canaanites, among whom I live, but will go to my country and to my kindred and get a wife for my son Isaac". So the servant put his hand under the thigh of Abraham his master and swore to him concerning this matter (Gn 24:1-9).

When the time of Israel's death drew near, he called his son Joseph and said to him: "If I have found favour with you, put your hand under my thigh and promise to deal loyally and truly with me. Do not bury me in Egypt. When I lie down with my ancestors, carry me out of Egypt and bury me in their burial place". He answered: "I will do as you have said". And he said: "Swear to me"; and he swore to him. Then Israel bowed himself on the head of his bed (Gn 47:29-31).

The expression *put your hand under my thigh* is an allegoric formula to say: put your hand on my genitalia; the vow was thus sealed by a contact with the vital parts¹.

3) Circumcision, sign of distinction and salvation

The Bible tells us that when Cain killed his brother Abel, God cursed him and marked him of a sign "so that no one who came upon him would kill him" (Gn 4:15). But the Bible doesn't tell us the nature of this mark.

The Bible also foresees a sign for the slave, man or woman, who chooses to remain with his master after six years of service: "his master shall bring him before God. He shall be brought to the door or the doorpost; and his master shall pierce his ear with an awl; and he shall serve him for life" (Ex 21:6; see also Dt 15:16-17).

The first time that the Bible speaks of the circumcision, it considers it as a "sign of the covenant between me and you" (Gn 17:11). At that time, this sign played the role for the Jews that an identity card or even a passport does nowadays. It identifies individuals that carry it and determined their rights: "I will give to you, and to your offspring after you, the land where you are now an alien, all the land of Canaan, for a perpetual holding" (Gn 17:8).

A Jewish legend says that Abraham was reluctant to perform circumcision as God ordered him for he feared that the circumcision would raise a barrier between himself and the rest of mankind. But God said unto him: "Let it suffice you that I am your God and your Lord, as it suffices the world that I am its God and its Lord". Then Abraham consulted with three friends. The first one spoke and said: "You are nigh unto a hundred years old, and you consider inflicting such pain upon yourself?" The advice of the second was also against it: "What, you choose to mark yourself so, that your enemies may recognize you without fail?" The third was the only one to advise obedience to the command of God: "God succoured you from the fiery furnace, he helped you in the combat with kings, he provided for you during the famine, and do you hesitate to execute his behest concerning the circumcision?" Accordingly, Abraham did as God commanded, in bright daylight, bidding defiance to all, that none might say: "Had we seen him attempt it, we should have prevented him". According to the legend, the circumcision was performed on the 10th day of Tishri, the day of atonement, and upon the spot on which the altar was later to be erected in the Temple, for the act of Abraham remains a never-ceasing atonement for Israel².

The aforesaid biblical texts distinguish the Jew from the non-Jew by circumcision, the non-Jew being identified by *uncircumcised*, a term that denotes disdain. The Jews consider circumcision the guarantee of their collective salvation on earth. A Jewish legend says that Jews were redeemed from Egypt because they did not abandon circumcision³. Another one says that God turned the love the Egyptians had for the Jews into hatred (Ps 105:25) because the Jews abolished circumcision after Joseph's death⁴. Circumcision thus becomes a mark by which God was able to distinguish between the Jew and the non-Jew.

¹ See the footnote c concerning Gn 24:2 in La Bible de Jérusalem, p. 52.

² Ginzberg, vol. I, p. 239-240.

³ Bialik; Ravnitzky, p. 71.

⁴ Ibid., p. 58.

Blood letting is considered by the Bible as a distinctive sign of salvation for the Jewish people, as it was sacred in many ancient cultures. So it was that God asked the Jews to slaughter a lamb and to take some of its blood and to "put it on the two doorposts and the lintel of the houses in which they eat it," on the vigil of their exit of Egypt, "... For the Lord will pass through to strike down the Egyptians; when he sees the blood on the lintel and on the two doorposts, the Lord will pass over that door and will not allow the destroyer to enter your houses to strike you down" (Ex 12:7 and 22).

Maimonides (d. 1204) saw in circumcision a means of unity and solidarity between the Jews. He wrote:

It gives to all members of the same faith, i.e., to all believers in the Unity of God, a common bodily sign, so that it is impossible for anyone that is a stranger to say that he belongs to them. For sometimes people say so for the purpose of obtaining some advantage, or in order to make some attack upon the Jews. No one, however, should circumcise himself or his son for any other reason but pure faith; for circumcision is not like an incision on the leg, or a burning in the arm, but a very difficult operation. It is also a fact that there is much mutual love and assistance among people that are united by the same sign when they consider it as symbol of the covenant which Abraham made in connection with the belief in God's Unity. So also every one that is circumcised enters the covenant of Abraham to believe in the unity of God¹.

Spinoza (d. 1677) attributed the survival of the Jewish community to circumcision "for they so separated themselves from every other nation as to draw down upon themselves universal hate, not only by their outward rites, rites conflicting with those of other nations, but also by the sign of circumcision which they most scrupulously observe". Concerning the importance of circumcision for the survival of the Jews, he added:

Of such a possibility we have a very famous example in the Chinese. They, too, have some distinctive mark on their heads which they most scrupulously observe, and by which they keep themselves apart from everyone else, and have thus kept themselves during so many thousand years that they far surpass all other nations in antiquity².

Modern Jewish authors repeat this idea³. Jews still value circumcision, even when they don't observe other religious commands or are even atheistic.

4) Uncircumcision entrenches, circumcision binds

For the Jewish believer, the Bible imposes itself as legal code to follow in all time and in all places. One reads there:

- You must diligently observe everything that I command you; do not add to it or take anything from it (Dt 13:1).
- The revealed things belong to us and to our children forever, to observe all the words of this law (Dt 29:28).
- It is a statute forever throughout your generations in all your settlements (Lv 23:14).

Invoking these verses, Maimonides writes: "It is clearly stated in the Torah that it contains the Law which stands for ever, that may not be changed, and nothing may be taken from it or added to it". According to Maimonides, one pretends the opposite, "shall die by hanging"⁴. This punishment is also foreseen for anyone who "uproots any of our verbal tradi-

¹ Maimonides: The Guide for the perplexed, section III, chapter 49.

² Spinoza: A theologico-political treatise, chap. III, par. 99 and 106-107.

³ Klein: A guide, p. 421; Circumcision, Encyclopaedia judaica, col. 575.

⁴ Maimonides: The book of knowledge, p. 23-24.

tions or says that God had charged him to interpret the Law in such and such a way, he is a false prophet and is to be hanged even although he gives a sign"¹.

Circumcision in the Bible is a divine order that Jews must follow. The one that doesn't observe it exposes himself to a sanction: "Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant" (Gn 17:14).

One generally brings closer this text to Exodus 4, according to which God met Moses and tried to kill him. But Zipporah took a flint and cut off her son's foreskin, and touched Moses' feet (or genitalia) with it, and said: "Truly you are a bridegroom of blood to me!" So God let him alone.

To cut off means to extirpate². The Mishnah indicates that this sanction is foreseen by the Bible against 36 offenses, of which 15 are sexual offenses, violation of sabbath, etc. Uncircumcision is quoted at the end of the list of these offenses³. The sense of this sanction is not very clear, but it seems to mean the death penalty of the guilty, as indicated in the Bible with regard to the violation of the sabbath: "You shall keep the sabbath, because it is holy for you; everyone who profanes it shall be put to death; whoever does any work on it shall be cut off from among the people" (Ex 31:14). One wondered whether such a sanction would be applied also to the lack of observance of circumcision. Some answer by the affirmative; others estimate that this sanction means excommunication, which is worse than the death penalty, since the individual loses tribal protection. Some believe that they also experience a unique pain after death.

This biblical sentence seems unjust to Philo, who wonders: "Why does God prescribe a sentence of death for the infant [...]? The law does not declare anyone guilty of any involuntary crime [...]. But if the child is not circumcised on the eighth day after birth, what sin has he committed that he should be judged deserving of suffering death?" Philo tries then to give different explanations:

Some say that the law of interpretation has in view the parents, for it believes that they show contempt for the commandment of the law. Others, however, say that it has imposed a very excessive penalty on infants, it seems, and that those adults who disregard and violate the law are deserving of punishment without regret or remission. This is the literal meaning. But as for the deeper meaning, that which is excessively male in us is the mind. This He commands to be circumcised in the old age for the reasons which I gave earlier; and He mentions no other part but the flesh of the foreskin, symbolizing those sense-pleasures and impulses which afterwards come to the body. Wherefore He adds a principle of law in His statement. For the mind which is not circumcised and purified and sanctified of the body and the passions which come through the body will be corrupted and cannot be saved. And since the argument does not concern man but the mind which had health, He adds "that soul shall be destroyed" not the human body or man but the soul and the mind. And from what? "From its kind", He says. For the whole genus is incorruptible; thus from incorruption the sinner is brought to corruption⁴.

But whatever the sense of this sanction, the inobservance of circumcision has social consequences, as one will see it in the following points. On the other hand, the one that wants to join himself to the Jewish people must consider circumcision. The brothers of Dinah asked

¹ Ibid., p. 25.

² In Hebrew: *keritot*.

³ Mishnah, (*keritot* 1:1), p. 836.

⁴ Philo: Questions and answers on Genesis, Book III, 52.

Hamor and Shechem that "every male among you be circumcised. Then we will give our daughters to you, and we will take your daughters for ourselves, and we will live among you and become one people" (Gn 34:16). Achior "was circumcised, and joined the house of Israel" (Jdt 14:10). Nowadays, this condition is always required of the one that wants to convert to the Judaism to benefit the Law of return in Israel. The ex-Soviet Jews who went in Israel have been forced to submit to this condition to be recognized as Jews by the religious authorities. As for the Falachas, although they were circumcised, a drop of blood had to be drawn from their corona to validate their circumcision and their admittance to the Jewish people.

5) Impurity of the uncircumcised

The Australian aboriginal tribes consider the uncircumcised impure. No one can take food from his hand or eat in his presence. Tribes that practice female circumcision consider an uncircumcised woman impure. In Arabic, male and female circumcision are called *tathir* or *taharah*: purification, purity respectively. This concept also exists among the Jews.

Genesis 17 considers circumcision as sign of the alliance. But then, the order in Leviticus 12 to circumcise the child's foreskin on the eighth day is mingled with norms concerning a woman's purification. Some think the child became impure by touching his mother; therefore it was necessary to purify him through circumcision. Others say that the order to circumcise in Leviticus is an addition to the original text, introduced the same time that Genesis 17 was compiled¹.

Irrelevant of this text's date, the uncircumcised person remains impure according to the Bible². Being uncircumcised and being impure were equally non-Jewish characteristics. The brothers of Dinah considered her marriage with an uncircumcised man like a disgrace for them. After Joshua has circumcised the Jews, Jehovah tells them: "Today I have rolled away from you the disgrace of Egypt" (Jos 5:9). Invoking Jeremiah 9:25, the Mishnah affirms that the foreskin is "disgusting, for evil men are shamed by reference to it"³.

A Jewish legend says that the queen of Sheba, wanting to test Salomon, had a number of men, some circumcised, some uncircumcised, stand in his presence and said: "Sort out for me the circumcised from the uncircumcised". Salomon beckoned to the high priest to open the Ark of the Covenant, whereupon those who were circumcised bowed their bodies to half their height – more, their countenances seemed to be filled with the radiance of God's Presence. But the uncircumcised ones fell on their faces. Solomon spoke up and said: "those are circumcised, and those are not"⁴.

By reason of his uncleanness, the uncircumcised is not allowed to celebrate the Passover or to eat the sacrifice that is immolated to this opportunity. To be able to make it, he needs to circumcise himself beforehand (Ex 12:43-49). The Talmud forbids the uncircumcised person to eat food in the status of priestly rations⁵. The child dispensed of the circumcision by reason of the death of his brothers is forbidden to eat of the Paschal lamb. Even if a man is himself circumcised, if any of his sons or slaves are eligible for circumcision but remain uncircumcised, he may not eat of the Paschal lamb. If a child is born circumcised (without a foreskin), he may not eat of the Paschal lamb unless a drop of blood was drawn, according to Rabbi Akiva. If a Paschal lamb was slaughtered for those people, the sacrifice is

¹ Barth: Berit mila, p. 97.

² See I S 14:6; 17:26 and 36, I Ch 10:4, Ez 28:10.

³ The Mishnah, (Nedarim 3:11), p. 412.

⁴ Bialik; Ravnitzky, p. 129.

⁵ The Talmud of Babylonia, (Yebahot 72A), vol. XIII.C, p. 57.

disqualified¹. Ezekiel says: "No foreigner, uncircumcised in heart and flesh, of all the foreigners who are among the people of Israel, shall enter my sanctuary" (Ez 44:9), and Isaiah goes further by declaring that the uncircumcised and the unclean shall enter Jerusalem no more (Is 52:1). One read on the Temple of Herod in the time of Jesus this enrolment engraved in Greek, of which one recovered two copies: "That no stranger penetrates inside the balustrade and the surrounding wall of the sanctuary. The one that would be taken is personally responsible for his death punishment"². Some interpret this interdict was adapted from Egypt, where one reads on the façade of the temple of the Goddess Isis an interdict of entrance to the uncircumcised and eaters of fishes³.

6) Marriage with uncircumcised

The biblical texts show us that circumcision is a condition for marriage. So Genesis 34 tells the story of Shechem who seized Dinah and lay with her by force. The father of Shechem proposed the application of the principle of reciprocity: "Make marriages with us; give your daughters to us, and take our daughters for yourselves". But the sons of Jacob answered: "We cannot do this thing, to give our sister to one who is uncircumcised, for that would be a disgrace to us". One finds the same condition in the story of Samson who wanted to marry a Philistine woman. But his father and mother said to him: "Is there not a woman among your kin, or among all our people, that you must go to take a wife from the uncircumcised Philistines?" (Jg 14:3).

The interdiction against giving a Jewish woman to an uncircumcised man or to take woman from among an uncircumcised group is bound to the concept of the chosen people. One already finds this interdiction in the order that Abraham gave to his servant: "I will make you swear by the Lord, the God of heaven and earth, that you will not get a wife for my son from the daughters of the Canaanites, among whom I live, but will go to my country and to my kindred and get a wife for my son Isaac" (Gn 24:3). But it is the book of Ezra that insists most adamantly concerning this interdict. The priest Ezra learned that the people of Israel, the priests, and the Levites have not separated themselves from the peoples of the lands with their abominations and that they have taken some of their daughters as wives for themselves and for their sons. "Thus the holy seed has mixed itself with the peoples of the lands". Then, he tore his garment and his mantle, and pulled hair from his head and beard, and sat appalled (Ezr 9:2-3). He made a proclamation throughout Judah and Jerusalem to all the returned exiles that they should assemble at Jerusalem, and that if any did not come within three days, by order of the officials and the elders all their property should be forfeited, and they themselves banned from the congregation of the exiles. Then all the people of Judah and Benjamin assembled at Jerusalem. All the people sat in the open square before the house of God, trembling because of this matter and because of the heavy rain. Ezra the priest stood up and said to them: "You have trespassed and married foreign women, and so increased the guilt of Israel. Now make confession to the Lord, the God of your ancestors, and do his will; separate yourselves from the peoples of the land and from the foreign wives" (Ezr 10:7-11). The book ends by the list of the guilty that had taken the foreign women, who accepted to send back "women and children" (Ezr 10:44).

The biblical norms have been formulated in a law-draft presented to the Israeli Knesset in September 1984 by the Rabbi Meir Kahane. Michael Eitan, deputy curator, established and

¹ Barth: *Berit mila*, p. 168-169.

² La Bible de Jérusalem, p. 1292, note c.

³ Galpaz-Feller, p. 517.

distributed to the Knesset a comparison between this proposed law and Nazi racial laws of 1935:

- It is forbidden for citizens and resident Jews, men and women, to marry a non-Jew, in Israel or abroad. Such mixed marriages are not recognized before the law.
- There will be absolute separation between the Jewish and non-Jewish instruction establishments.
- The sexual, complete relations or partial, are forbidden between Jewish citizens, men and women, and the non-Jews. This prohibition includes relations outside marriage. Violations will be punished by 2 years of prison.
- A non-Jew that has sexual relations with a Jewish prostitute or with a Jewish male is liable of 5 years of prison. A Jewish prostitute or a Jewish male that have relations with a non-Jewish man are also liable of 5 years of prison¹.

7) Separation in life and in death

Uncircumcisions being considered an impurity, Jewish norms forbid a Jew to associate with a Gentile or to eat his food. A concern is raised in the Talmud whether children of female slaves who had been circumcised but not ritually cleansed by water render wine, *nesek*, impure (an Orthodox Jew is not permitted to drink wine handled by a non-Jew; hence the concern of the status of such children). The Talmud concludes that the wine is not *nesek* since children do not understand the nature of an idol. However, adults in such a situation do render wine *nesek* since they know the significance of idolatry².

Moshe Menuhin, father of the famous violinist Yehudi Menuhin, reports that his grandfather's house in the Jewish colony of Bokhara in Palestine was opened to Gentiles at the time of a Jewish Passover. He provided them a separated table. Menuhin adds:

As soon as the foreign guests had left, grandfather went to the table of guests and, with a smile, took all bottles of wine that had been opened (there was a good number), carried them away and emptied them in the gutter. Some of bottles were nearly full and I didn't understand such a wasting. I asked him: "What pain *goyim* did they make to wine"? Grandfather smiled and explained that, according to the Jewish law code, all wine opened by a *goy* became wine *nesek*, of the pagan and therefore undrinkable wine³.

We find this Jewish conception in the beginning of Christianity. So the Christians of Jewish origin blamed Peter for having accepted the invitation of Cornelius, a centurion of the Italian Cohort: "Why did you go to uncircumcised men and eat with them"? (Acts 11:3). Peter knew such an interdiction, and recalled him to his host: "You yourselves know that it is unlawful for a Jew to associate with or to visit a Gentile; but God has shown me that I should not call anyone profane or unclean" (Acts 10:28). Paul tells us that Peter, "until certain people came from James, he used to eat with the Gentiles. But after they came, he drew back and kept himself separate for fear of the circumcision faction" (Ga 2:12).

This separation between circumcised and uncircumcised spread until the tomb. For this reason, even dead children should be circumcised before burying them.

An orthodox *mohel* explains that Jewish law is very clear regarding a child who has died before his circumcision: he is circumcised at the grave site, in order to remove the foreskin, which is considered a disgrace for him. He is given also a Jewish name appended to his

¹ La Liberté, 31.10/1.11.1985. See also Mergui; Simonnot, p. 76; Aldeeb Abu-Sahlieh: Discriminations, p. 31.

² Barth: Berit mila, p. 171.

³ Menuhin, p. 34-35 (our translation from the French version).

father's name to perpetuate his memory, so that mercy should be shown him from Heaven and he may thus be included in the Resurrection of the Dead, and so that he may have sufficient understanding to recognize his parents in the Time-to-Come. If the child was buried without being circumcised and people became aware of this omission immediately, before the body has sufficient time to decompose, the grave must be opened and the foreskin removed. Regarding an *abortus*, a foetus which has died in *utero*, or a stillborn child, an infant which has died just prior to birth, the custom is to circumcise such an infant also. Circumcision should even be performed on a dead child removed piece by piece through the dilated cervix of the uterus, if one can see his penis¹.

Another *mohel* adds that in the Orthodox way, if an adult wants to convert to Judaism he has to be circumcised. The Reform doesn't insist. The Conservatives are flexible because they consider what is involved. It's a major surgical step. Some Rabbis would perform the circumcision after the person departs².

This problem was manifest with the Soviet Jews who immigrated to Israel and died there without being circumcised. The *Jerusalem Report* of 9 September 1993 included the following news:

Clipping corpses: Burial societies all over Israel have been circumcising corpses to interment, without permission of the families of the deceased, the Religious ministry had disclosed. Most of the dead men have been immigrants from the former Soviet Union. While burial society officials and Sephardi Chief rabbi Mordechai Eliahu defended the practice, Ashkenazi Chief rabbi Yisrael Lau said the rabbinate does not force circumcision on live or dead men³.

This problem has also been raised again in the Knesset in 1998. The *Jerusalem Post* of July 16, 1998 wrote:

After an emotional meeting on reports that some burial societies are posthumously circumcising immigrant Jews before burying them, members of the Knesset Immigration and Absorption Committee called on the Chief rabbinate to ensure that this only takes place with the approval of the dead man's family.

Secular Knesset members described posthumous circumcision as the "ultimate in religious coercion". Yossi Sarid, from Meretz party, declared: "Only I am responsible for my sexual organs. Me and no one else. The religious establishment is not only taking control of our lives, it is controlling our deaths. If a man did not ask for posthumous circumcision during his lifetime, this decision should be respected". Ophir Pines, from Labour party, said that posthumous circumcision is "perverted and sick" and "a form of idol worship". He called for the Religious affairs ministry not to renew the licenses of burial societies that carry out such circumcisions.

Yitzhal Vaknin, from Shas party, justified such an operation by asking: "Why do you object to a circumcision, but when we're talking about an operation taking out the heart, lungs and other organs you don't have a problem?" He accused the secular Knesset members for trying to do everything to blacken the names of the *haredim* and Judaism. Religious affairs ministry spokesman Yair Wolf said that only in very rare and isolated incidents had dead men been circumcised without their families' knowledge. The Ministry had made clear to the burial societies that this was not to be done in the future. However he added that according to the *halacha*, it is forbidden to bury an uncircumcised person among Jews, and

¹ Romberg: *Bris milah*, p. 148-151. See also Cohen: *Guide*, p. 22; Ganzfried: *Abrégé du Choul'hane Aroukh*, vol. 2, p. 938-939.

² Romberg: *Circumcision*, p. 71-72.

³ The *Jerusalem Report*, 9.9.1993, p. 8. See also: *Circumcision posthume*, in: *Le Soir*, 17.8.1993.

those who are not circumcised are usually buried in cemeteries for those not halachically Jewish¹.

Contrary to what is said before, The Daily Telegraph reports that Yair Wolf admitted that posthumous circumcisions were performed routinely. He added:

In 99% of the cases families do not take any interest in what goes on when the bodies are cleansed and shrouded before burial. Just as we do not ask the families whether to trim the deceased's fingernails, they should not be asked about circumcision, which is carried out according to halacha as an act of true kindness to the dead².

8) Exaggeration of the importance of circumcision

According to a *midrash*, God said to Abraham: because of the merit of circumcision your descendants will be saved from hell, for only the uncircumcised will descend thither. The corollary of this belief, that uncircumcised Jews would have no share in the world to come was exceedingly popular among Jews, and was often voiced in medieval writings³.

According to a Jewish legend, Abraham's activity did not cease with his death, and as he interceded in this world for the sinners, so will he intercede for them in the world to come. On the "day of judgment" he will sit at the gate of hell, and he will not suffer those who kept the law of circumcision to enter therein⁴. And according to another legend, God will forgive the Jews many sins out of consideration for their having preserved circumcision. Jews will not be judged by God at the same time with other nations, for he judges the latter in the darkness of the night, but the former in bright daylight. Jews will be considered a separate people, alone they enjoy the blessings God gives them, no other nations rejoice with the Jews. So too in the Messianic time Jews will quite alone rejoice in delights and pleasures. Rabbi Simeon said that the blood that comes from the child is preserved before God, and when judgments are aroused in the world, he looks at the blood, and saves the world⁵.

Some Rabbis estimate that only children after circumcision are entitled to share in the world to come. This is the reason for which Jewish children who die before their eighth day without being circumcised, are circumcised before being buried⁶. This norm has been extended to uncircumcised adults.

But what about the pious who died uncircumcised before Abraham and the institution of the circumcision? Are they all damned? This is the problem raised by Justin (d. ca 165) with his Jewish interlocutor Trypho⁷. To solve this problem, Rabbis decided that these pious were born with the sign of the covenant upon them⁸. God has also privileged some men after Abraham born circumcised, sign of their election and their purification of their mother's womb. The list of the men born in this fashion varies according to legends. Some legends mention 13 men, others have longer lists. Among these circumcised one finds: Adam, Seth (third son of Adam), Enoch, Noah, Shem, Terah, Melchizedek, Jacob, Gad, Joseph, Moses, Balaam, Samuel, David, Isaiah, Jeremiah, Zerubabel, and Ubayd⁹. A legend

¹ Jerusalem Post, 16.7.1998, on Internet.

² The Daily Telegraph, 3.8.1998, p. 9.

³ Trachtenberg, p. 48.

⁴ Ginzberg, vol. I, p. 306.

⁵ Tishby, vol. III, p. 1181.

⁶ Ginzberg, vol. VI, p. 341.

⁷ Justin, par. 19.

⁸ Ginzberg, vol. V, p. 268-269.

⁹ Ibid., vol. I, p. 121, 146-147, 315, 365; vol. II, p. 4; vol. IV, p. 294; vol. V, p. 100, 226, 268, 273, 297, 399; vol. VI, p. 194, 248.

even says that certain angels of a lower rank were also created circumcised¹. Another one reports that God told Adam after his fall: "Cursed is the ground for your sake". Adam asked: "For how long a time?" And the answer made by God was: "Until a man child shall be born whose conformation is such that the rite of circumcision need not be practiced upon him". This was fulfilled in Noah; he was circumcised from his mother's womb².

So the circumcision took in the Jewish writings a fundamental importance. The *Mishnah* tells us how important this practice is:

R. Ishmael says: "Great is circumcision, for thirteen covenants are made thereby".

R. Yose says: "Great is circumcision, since it overrides the prohibitions of the sabbath, which is subject to strict rules".

R. Joshua B. Qorha says: "Great is circumcision, for it was not suspended even for a moment for the sake of Moses, the righteous" (in reference to Exodus 14) (...).

Rabbi says: "Great is circumcision, for, despite all the commandments which Abraham our father carried out, he was called complete and whole only when he had circumcised himself as it is said: "walk before me and be perfect" (Gn 17:1) ... Great is circumcision, for it were not for that, the holy One, blessed be he, would not have created his world, since it says: "This says the Lord: But for my covenant day and night, I would not have set forth the ordinances of heaven and earth" (Jr 33:25)³.

The *Talmud* adds that the circumcision is equal in importance to all precepts in the *Torah*⁴.

Modern Jewish authors continue to repeat such exaggerations. Cohen adds a quote of Rabbi Joseph B. Soleveitchik who says about circumcision:

It is an eternal covenant which can never be cancelled. The Jewish people and God belong to one existential experience [...]. The *brith* (circumcision) is the community living in history. Otherwise, man is like a particle of sand floating in tide – coming from nowhere and going nowhere.

Cohen mentions also Rabbi Aryeh Kaplan who says:

To some degree, circumcision restored Abraham and his descendants to the status of Adam before his sin. It was because they were circumcised that Abraham's descendants were able to be the recipients of the Torah. Thus, it was through the commandment of circumcision that the purpose of creation could be fulfilled⁵.

In another Jewish source, it is said that in the hierarchy of Jewish values and commandments, circumcision overrides the sabbath and Yom Kippur. It also takes precedence over attending the burial of a near relative⁶.

¹ Ibid., vol. V, p. 22, 66, 268-269.

² Ibid., vol. I, p. 146-147.

³ Mishna (Nedarim 3:10), p. 412. The New revised standard version translates the verse of Jeremiah: "Thus says the Lord: Only if I had not established my covenant with day and night and the ordinances of heaven and earth".

⁴ Babylonian Talmud, Nedarim 32b-32a.

⁵ Cohen: Guide, p. 5-6.

⁶ Barth: Berit mila, p. 171.

Section 3.

Jews opposed to circumcision

Although the overwhelming majority of Jews are dedicated to covenantal circumcision, there is a silent minority that either disregards or even rejects outright such a practice. In fact, Jews did not always practice circumcision through history, and today there is growing opposition to it.

1) Jews didn't always practice circumcision

One generally thinks that circumcision was established by divine order in the days of Abraham who would have lived to the 19th century B.C., and that his descendants continued to circumcise after him until our days.

In fact, the Bible includes indications that Jews of Egypt didn't all practice circumcision. Exodus tells us that Moses ran away from Egypt and headed toward Midian where he married Zipporah, daughter of a priest. He had two sons: Gershom and Eliezer (Ex 2:15-22 and 18:3). Then he took his wife and his sons, put them on a donkey and went back to the land of Egypt. On the way, at a place where they spent the night, the Lord met him and tried to kill him. But Zipporah took a flint and cut off her son's foreskin, and touched Moses' feet (genitalia?) with it, and said: "Truly you are a bridegroom of blood to me!" So God let him alone. One will notice from this very complex narrative that Moses came back with his wife and his two sons (Ex 4:20), but that Zipporah has circumcised only one son (Ex 4:25). Obviously this circumcision didn't take place on the eighth day as prescribed by the Bible (Gn 17:12). On the other hand, Moses himself was not circumcised. A Jewish legend says that the Jews, before leaving Egypt, had attempted to ally themselves with the Egyptians, going so far as to give up Abraham's sign of the covenant, with the exception of the tribe of Levi. To chastise the Jews for their impiety, God turned the love of the Egyptians for them into hatred, so that they resolved upon their destruction¹.

On the other hand, the book of Joshua tells that "all the people born on the journey through the wilderness after they had come out of Egypt had not been circumcised" (Jos 5:2-9). Joshua received the order to circumcise them. Modern authors try to justify this fact quoting the *Talmud* according to which the Israelites did not circumcise their children in the desert because of the extreme climate, which could have endangered the children's well-being. Furthermore, the Israelites never knew when they would be told to resume their trek through the wilderness, and conditions on the desert march would not have been safe for newly circumcised infants².

One also finds in the Bible an allegorical utilization of the concept of the circumcision in relation with the heart, ears and lips:

- Circumcision of the heart: In Genesis 17, the concession of the promised land is bound to the circumcision of the foreskin, but in Deuteronomy 30, this concession is bound to the circumcision of the heart (Dt 30:5-6). Elsewhere, God asks the Jews: "Circumcise, then, the foreskin of your heart, and do not be stubborn any longer" (Dt 10:16). He threatens to humiliate the Jewish because of their sins: "if then their uncircumcised heart is humbled and they make amends for their iniquity, then will I remember my covenant with Jacob; I will remember also my covenant with Isaac and also my covenant with Abraham, and I will remember the land" (Lv 26:41-42). Jeremiah also speaks of "circumcised only in the foreskin" and "uncircumcised in

¹ Ginzberg, vol. II, p. 259.

² Cohen: Guide, p. 3; Circumcision, Encyclopaedia judaica, col. 568.

heart" (*erli lev*) (Jr 9:25-26). He asks the Jews: "Circumcise yourselves to the Lord, remove the foreskin of your hearts" (Jr 4:4). The expression uncircumcised in heart and flesh is found again in Ezekiel (Ez 44:7 and 9).

- Circumcision of lips: Moses tries to reject the demand that makes him Jehovah to go to the Pharaoh arguing that lips are uncircumcised (*erl shafatim*), term translated by "I am slow of speech and slow of tongue" (Ex 4:12).
- Circumcision of ears: Jeremiah speaks of uncircumcised ears (*erla ayanim*), term translated by "closed ears": "To whom shall I speak and give warning, that they may hear? See, their ears are closed, they cannot listen" (Jr 6:10).

This allegorical sense of the circumcision can be found again in Philo who says:

What is the meaning of the words: "There shall be circumcised every male of you, and you shall be circumcised in the flesh of your foreskin"? I see two circumcisions, one of the male, and the other of the flesh; that of the flesh is by way of the genitals, while that of the male, it seems to me, is by way of the reason. For that which is, one might say, naturally male in us is the mind, whose superfluous growths it is necessary to cut off and throw away in order that it may become pure and naked of every evil and passion, and be a priest of God. Now this is what He indicated by the second circumcision, stating in the Law that "you shall circumcise your hardness of hearts" (Dt 10:16), which means your hard and rebellious and refractory thoughts, and by cutting off and removing arrogance, you shall make the sovereign part free and unbound¹.

It is from this allegorical conception that the Church Fathers tried to solve problems bound to the literal interpretation of the biblical order to circumcise the foreskin².

This concept of circumcision, which does not imply physical cutting, can be well a stage that preceded, co-existed with or followed the bloody circumcision. Hoffman says even that the bloody circumcision became obligatory only after the return of the Jews from the exile of Babylon, in the 6th century B.C. He bases his argument on the fact that circumcision is mentioned in the book of Isaiah solely in chapters 52 and 56, which have been added to this book after the return from exile. At that time, priests imposed circumcision on the people and wrote the passages concerning it, in the imperative form in Genesis 17 (order given to Abraham) and 34 (marriage of Dinah), as well as in Leviticus 12 (order given to Moses)³.

But not all Jews have adhered to circumcision. A Jewish legend affirms that Esau, eldest son of Isaac and twin brother of Jacob, was the first to remove the sign of the covenant by means of an operation called epispasm, by pulling the skin over the glans, and this was the reason for which Esau is considered by the Bible⁴ and by the Jewish legends as the cursed man by God. Another legend reports that Esau's children despised the Abrahamic covenant after the death of their father⁵.

The Bible tells that circumcision had been forbidden by the king of Israel Achab (that reigned from 875 to 853 B.C.) and his wife Jezebel. This decision provoked the anger of the Prophet Elijah. Escaping persecution, he took refuge in a cave where God appeared to him and asked him: "What are you doing here, Elijah?" He answered: "I have been very zealous for the Lord, the God of hosts; for the Israelites have forsaken your covenant, thrown down your altars, and killed your prophets with the sword. I alone am left, and they

¹ Philo: Questions and answers on Genesis, Book III, 46.

² See part 2, chapter 2, section 2.

³ Hoffman, p. 31-38.

⁴ See Gn chapters 25, 27 and 28.

⁵ Ginzberg, vol. V, p. 273.

are seeking my life, to take it away" (I K 19:9-10). The expression *have forsaken your covenant* refers to the abandonment of circumcision. In commemoration of this attitude of Elijah Jews install a chair called "The chair of Elijah", as he is supposed to attend all circumcisions¹.

The book of Maccabees tells us that in the days of the Greek king of Syria Antiochus Epiphanes (d. 164 B.C.), "certain renegades came out from Israel and misled many, ... removed the marks of circumcision, and abandoned the holy covenant" (1 M 1:15). This decision also provoked the priests' anger. So the priest "Mattathias and his friends went around and tore down the altars; they forcibly circumcised all the uncircumcised boys that they found within the borders of Israel" (1 M 2:45-46).

In the two following centuries, Hellenized Jews attempted to redo their foreskins to erase the sign of the covenant. Rabbis then decided to make circumcision more severe. Instead of cutting solely the skin that passes the glans, they decided to cut also the inner lining of the foreskin in order to make this epispasm operation more difficult². A Jewish legend tells that the practice of epispasm was so heinous that had it not occurred, the Temple may not have been destroyed. Even the pleadings of Abraham could not reverse the decision of God to destroy the Temple because Jews attempted to hide their circumcision³.

Today's Jewish authors say that tentative abolishment of circumcision in the past was the "first step toward eliminating the Jewish people", but Jews often defied hostile regimes even at the cost of martyrdom. Jewish mothers stood up to the mighty conquerors and were prepared to sacrifice their children and themselves rather than forsake circumcision. They add that such heroism has continued in modern times. Cohen writes:

We have recently become aware, for instance, of unsung sacrificial incidents wherein Jews incarcerated in Russian jails performed circumcision on themselves without benefit of anaesthesia. Such bravery should not go unnoticed. During the last few years many thousands of Jews liberated from Russia have arrived on our shores. Additional thousands have found a haven in Israel. One of the first requests of these escapees from tyranny was that they and their children be circumcised⁴.

But in fact one forgets to put forward the inverse question: was circumcision practiced voluntarily by pious Jews or on the contrary was it imposed by Rabbis on Jews and those who fell under their domination? This religious coercion continues today with the ex-Soviet Union Jews who immigrated in Israel. Those who refuse to submit to circumcision undergo discrimination in Israel throughout their life⁵. Rabbis even circumcise them after their death as a condition to be buried in Jewish cemeteries. Even in a liberal country such as the United States, Jews that refuse to circumcise their children undergo attacks from their religious surroundings and their own families⁶.

Therefore, we think that we have to reconsider the abolition of circumcision not from the point of view of persecution of the Jews, but from the aspect of resistance of some Jews facing Rabbinical coercion as well as from the neglect of human rights that Rabbis refuse to apply.

¹ See part 2, chapter 1, section 4, sub-section 1.2.D.

² On epispasm see part 3, chapter 7.

³ Barth: *Berit mila*, p. 172, and footnote 24.

⁴ Cohen: *Guide*, p. 4.

⁵ Aldeeb Abu-Sahlieh: *Discriminations*, p. 29-31.

⁶ Romberg: *Circumcision*, p. 75.

2) Debate against circumcision in the past

The Rabbis presented circumcision like a divine order to follow. When they indicate a tendency among some Jews from time to time to avoid this order, they don't mention reasons invoked by these Jews. They see in the abandonment of circumcision the persecution of others or the renegade Jews' work (I M 1:11) that they wanted to assimilate.

One finds in Jewish narratives traces of debates, not among Jews themselves, debates that always end by the victory of Jewish law. We place on record here what we found in the hope that other researchers will gather other narratives.

A narrative reports that King Agrippa asked Rabbi Eleazar: "Since the Almighty loves circumcision, why did he not set it among the ten commandments?" Rabbi Eleazar answered that the circumcision was ordained prior to the giving of the ten commandments, as it is written: "Now therefore, if you obey my voice and keep my covenant, you shall be my treasured possession out of all the peoples. Indeed, the whole earth is mine, but you shall be for me a priestly kingdom and a holy nation" (Ex 19:5-6)¹. These two verses have been revealed before Exodus 20 that includes the ten commands.

Another narrative reports a discussion between Rabbi Akiva (d. 135) and the Tyrant Rufus. Rufus asked Akiva: "Whose works are more comely – those of God or those of flesh and blood?" Akiva: "Those of flesh and blood are more comely". Rufus: "But think of heaven and earth, can man make anything like them?" Akiva: "Do not speak to me of matters that are above mortals and over which they have no power, but only of matters that are to be found among human beings". Rufus: "Why do you have yourselves circumcised?" Akiva: "I knew that you were going to ask me this question. That is why I anticipated you by saying the works of flesh and blood are more comely than those of God". To prove his point, Akiva brought Rufus ears of grain and delicate breads, saying: "The ears of grain are the work of God, the breads the work of flesh and blood. Are not the leaves of bread more comely?" Then Akiva brought him flax stalks and garments made in Beth-shean, saying: "The first are the work of God, the second, the work of man. Are not the garments more to be admired?" Then Rufus asked: "Assuming that God desires circumcision, why does the infant not emerge from his mother's womb circumcised?" Akiva replied: "Why does the umbilical cord emerge with the infant? Should not the mother have had the infant's umbilical cord cut off in the womb? As to your question of why an infant does not emerge circumcised, it is because God gave the precepts to Israel to purify them"².

The argument of the perfection of the creation comes back in *Midrash Rabba* of the 5th century. Annotating the verse "walk before me, and be blameless" (Gn 17:1), Rabbi Judan says: "Just as a fig contains nothing inedible save its stalk, and with its removal even this defect ceases, so did God say to Abraham: "There is naught unworthy in you save your foreskin. Remove it and the blemish ceases". As for Rabbi Levi, he says: "This may be illustrated by a noble lady whom the king commanded: "Walk before me". She walked before him and her face went pale, for, thought she, who knows but that some defect may have been found in me? Said the king to her: "You have no defect, but that the nail of the little finger is slightly too long; pare it and the defect will be gone". Similarly, God said to Abraham: "You have no other defect but this foreskin: remove it and the defect will be gone"³.

These last three narratives that consider the circumcision like an aesthetic operation and a means to perfect God's creation contradict the Bible. This last considers indeed that the

¹ Cohen: Guide, p. 49.

² Bialik; Ravnitzky, p. 577.

³ The Midrash Rabbah, vol. 1, p. 389 and 391.

mutilation of an organ makes the body imperfect. So it is required that the sacrifice integrates "a male without blemish, of the cattle or the sheep or the goats. You shall not offer anything that has a blemish, for it will not be acceptable in your behalf" (Lv 22:19-20). It forbids the mutilations of the body: "You shall not make any gashes in your flesh for the dead or tattoo any marks upon you" (Lv 19:28); "You must not lacerate yourselves or shave your forelocks for the dead" (Dt 14:1). The priest must be without infirmity: "no one who has a blemish shall draw near, one who is blind or lame, or one who has a mutilated face or a limb too long, or one who has a broken foot or a broken hand, or a hunchback, or a dwarf, or a man with a blemish in his eyes or an itching disease or scabs or crushed testicles" (Lv 21:18-20); "No one whose testicles are crushed or whose penis is cut off shall be admitted to the assembly of the Lord" (Dt 23:2). Jewish tradition records the incident of a High Priest who was disqualified from serving on Yom Kippur because a rival bit off his ear¹.

Conscious of the contradiction between the aforesaid interdictions and the order to circumcise, Rabbi Ishmael and Rabbi Akiva make a distinction between the amputation of the foreskin and the amputation of another member. So Abraham could not have been a High Priest (Ps 110:4) if he had cut his ears or lips².

Today, the perfection of God's creation is one argument for the dismissal of circumcision. This argument is found at Philo in his commentary of the verse: "if you make for me an altar of stone, do not build it of hewn stones; for if you use a chisel upon it you profane it" (Ex 20:26). He writes: "Those who presume to lay hands upon nature and transform the works of nature by their own undertakings defile the undefiled. For the things of nature are perfect and full and are not in need of any excision or addition or anything at all"³. Philo doesn't go further in his thought, otherwise he would have advocated the abolishment of circumcision. In fact, Philo doesn't try to contradict the holy text, but to justify it.

Maimonides rejected the idea that circumcision perfects nature. He writes:

Some people believe that circumcision is to remove a defect in man's formation; but everyone can easily reply: How can products of nature be deficient so as to require external completion, especially as the use of the foreskin to that organ is evident. This commandment has not been enjoined as a complement to a deficient physical creation, but as a means for perfecting man's moral shortcomings. The bodily injury caused to that organ is exactly that which is desired; it does not interrupt any vital function, nor does it destroy the power of generation. Circumcision simply counteracts excessive lust; for there is no doubt that circumcision weakens the power of sexual excitement, and sometimes lessens the natural enjoyment; the organ necessarily becomes weak when it loses blood and is deprived of its covering from the beginning⁴.

This question of the link between circumcision and the perfection of creation remains in our time. Romberg asked Rabbi Gartner: "Why couldn't God have just made penises that way in the first place? If he didn't want males to have foreskin, why did he put them there in the first place?" He answered:

It's a speculation. Why did God not create all men perfect? He could have. God is almighty! Why do we have to have crooks? Why do we have to straighten out people? They could have been born ideal. Some people would tell you that God made them that way because God wanted the Jews to prove themselves and take upon themselves some

¹ Barth: Berit mila, p. 106.

² Ibid., p. 106-107.

³ Philo: Questions and answers on Exodus, Book II, 1.

⁴ Maimonides: The Guide for the perplexed, section III, chapter 49.

obligations and sacrifices. Not sacrifices in the sense that we sacrifice the foreskin, but sacrificing from pain or discomfort. But this question ... you could just as well ask why is a person not born smart and fully developed? Why does he have to be a baby and grow?¹

This answer lacks logic. The Rabbi considers the foreskin as a defect, whereas every person is born with a foreskin. He grants the Jews of duties, not imposed on others. He disregards the function of the foreskin and, above all, he forgets that circumcision is a violation to physical integrity. In the same interview, this Rabbi compares the circumcision to the little slap given to the baby when he is born².

From what we saw we can say that circumcision presented problems to Rabbis in the days of *Talmud*. Other questions came to be added through centuries, notably in the 18th century with the reformed German Jews, as one will see it in the following point.

3) Debate among reformed German Jews

After the French revolution of 1789, there has been a tendency to create a civil society without religious barriers between citizens. Governments were inclined to assimilate the religious communities as the Jews, but these last had to show their desire to open up so that their members get the equality of rights. Napoleon was personally opposed to the closing of communities, requiring the Jews to break their ghetto in regions where his armies dominated³.

It is in this context that the Jewish reformed current was born. It called for mutual acceptance between Jews and non-Jews. In his speech at the opening of the first reformed temple in 1820, in Sessen under Napoleonic domination, Israel Jacobson considered the Jewish ritual still weighted down with religious customs that must be rightfully offensive to reason as well as to Christian friends. He declared, "it desecrates the holiness of our religion and dishonours the reasonable man to place too great a value upon such customs". He asked his community to reform itself and to spread more correct principles, and to the Christians to accept the Jews with love into the circle of their society and business⁴.

One of the signs of opening of the Jewish community was the introduction of the organ in the ceremony. Rabbis refused the use of all musical instruments in ceremonies until the return to the "promised land" and the reconstruction of the Temple of Salomon. The introduction of the organ means that the Jews will accept each country where they stay henceforth as their own country and won't await the return to the promised land. Instead of using the term synagogue, the reformers used the term Temple; reserved to the one in Jerusalem. So wherever Jews live will be considered a holy place⁵.

In order to justify their action, the reformers invoked a metaphor. They asserted that traditional Judaism was like a seed that has two separable parts, a husk and a kernel. The husk is a protective shell around the living essence of the kernel. That husk is important, because under certain harsh circumstances and inhospitable environments, the living kernel might be endangered or destroyed were it not protected. But there comes a time when, in order for healthy development to take place, the husk has to be shucked. Once the living kernel begins to sprout, the protective husk has to be thrown aside and discarded because it is no longer necessary and is, in truth, a barrier to new growth and vitality⁶.

¹ Romberg: Circumcision, p. 72.

² Ibid., p. 70.

³ Aldeeb Abu-Sahlieh: L'impact de la religion, p. 32-33.

⁴ Barth: Berit mila, p. 134-136.

⁵ Ibid., p. 136-137.

⁶ Ibid., p. 137-139.

This ideology attacked the Jewish religious traditions as contrary to reason and scientific progress. One of these traditions was circumcision. Jews were attached to this practice because they believed that it was revealed and obligatory and because the Rabbis that dominated the communal system imposed it. With the shaking of the Rabbis' authority, the opportunity was auspicious to question the sense of the revelation and its obligatory character. A Jewish secular group called *Friends of the reform*, which recalls the group *Friends of light* formed of Protestant Universalists, opened this debate in 1842 in Frankfurt. One of the claims of these secular Jews was to suppress circumcision as sign of distinction. One point of their initial program considered circumcision as not obligatory for Jews. But, under rabbinical pressure, they cancelled this point. An anonymous document of this circle proposed to replace the bloody circumcision by a non-bloody one, called sanctification of the eighth day, celebrated for boys and for girls, who are admitted thus in the covenant and get a Jewish name. Some of these reformers didn't hide their ambition to abolish the belief based on the revelation and the separation between religions completely.

Not long thereafter, the Frankfurt health department, exercising the broadening prerogative of governments, issued a regulation intended to assure maximum medical safety in the performance of circumcision. What made the government action controversial and launched the first major debate on circumcision in modern Jewish history was simply one clause in the regulation allowing for the possibility that some Jews might not want to circumcise their sons at all. This regulation, the department said, applied to local Jews "insofar as they want to let their children be circumcised". And, in fact, there were soon some Jewish fathers who refused to have their sons undergo the operation. How should the community regard these fathers and their sons? Were they nonetheless to be considered members of the community or not? The issue had quickly become a practical one with real consequences.

The Orthodox Rabbi of Frankfurt tried, without avail, to obtain rulings from the city government to exclude both "guilty" father and "innocent" son from the Jewish community. But in this instance, the authorities did not want to interfere in what they regarded as not just a specific religious issue but also a broader one of individual freedom of conscience.

Rabbi Solomon Abraham Trier asked the Senate, in 1843, to suppress this sentence or to reduce its reach. But the senate refused his demand while declaring that it was not in its intention to abolish circumcision. The Rabbi came back requiring of the Senate a declaration according to which no child of Jewish parents would be received in the Jewish community unless to be circumcised. But the senate refused to bring its civil support to Rabbis against nonconformists. Trier tried to stir 80 other European Rabbis, whose majority affirmed then that any Jew refusing circumcision would be excluded from the community as an apostate, wouldn't be able to have a Jewish wedding and wouldn't be buried in a Jewish cemetery. This position provoked a rift within the Jewish community¹.

In this climate of tension, several leaders formulated ideas for the dismissal of circumcision. Even the reformed Rabbi Abraham Geiger admitted, in a private letter, that circumcision was "a barbaric, bloody act, which fills the father with anxiety and puts the new mother into a state of morbid tension", in his mind. He looked forward to the time when a new ceremony for both boys and girls would drive out circumcision as confirmation had replaced the tomfoolery of *bar mitzvah*.

When the German Reform Rabbis met for the first time as a rabbinical assembly in 1844, circumcision was still even too controversial an issue to discuss. Rabbi Mendel Hess pro-

¹ Ibid., p. 141-144; Philipson, p. 131-137; Liberles, p. 52-61.

posed a seemingly balanced resolution expressing "most painful regret" because some coreligionists were not observing "such an important and generally regarded as sacred commandment", but also protesting against coercion and exclusion of the uncircumcised. The chairman noted that this matter was currently arousing such passion that it would be best just to pass over it.

At the second assembly in 1845, a Jewish physician in Berlin complains that his practice had taught him how the operation often led to later instances of venereal diseases and impotence. The Rabbis discussed the delicate matter in closed session before replying that other physicians did not share his view, that Jewish couples were known to be fruitful, and that most governmental authorities were intervening to prevent incompetence in performing the operation.

At the third and last assembly in 1846, the Rabbis avoided the issue. This time, however, they did take a stand on some specifics. A Jewish physician reported that on account of apparent haemophilia on both sides of the family, his first son had never fully recovered from circumcision and his second son had bled to death. What should he do if his wife bore a third son, he asked the assembly. Would it be all right to omit circumcision and simply give his son a Hebrew name in the synagogue? The assembly replied by easing the talmudic law that stipulates two sons must die before the operation may be suspended. One death, it declared, was sufficient. The conference also decided upon a series of regulations that would make the rite safer and more hygienic, including the omission of *mezizah*¹.

In 1866, the debate on circumcision passed from Germany to Vienna, where no fewer than sixty-six Jewish physicians had sent a memorandum to the community council opposing the continued practice of circumcision. The local Rabbis differed in what to do about this situation. Yet everyone was concerned because the matter had grave social consequences. Would a Rabbi marry a Jewish woman to an uncircumcised man? In 1871, meeting in Augsburg, a synod gave an answer. Unanimously it resolved:

While the synod assumes that the highly important meaningfulness of circumcision in Judaism is beyond any doubt, it nonetheless declares that a boy born to a Jewish mother, and for whatever reason not circumcised, is in accordance with the established norms recognized as binding in Judaism ... to be regarded as a Jew and treated as such in all matters of ritual practice².

One can summarize the reasons for which the reformed abandoned the obligatory character of circumcision in the following points:

- The divine order to circumcise has been addressed to Abraham, but not Moses. Nor he nor his eldest sons were circumcised.
- The generation that wandered in the desert was not circumcised.
- Circumcision stopped being a distinctive Jewish mark since the Muslims also practice it.
- Circumcision is mentioned in Moses' laws only one time, and it is not mentioned in Deuteronomy.
- A similar circumcision for women doesn't exist.
- The Jew is the one that is born of a Jewish woman and not the one who is circumcised.
- Circumcision is dangerous for health.

¹ Barth: *Berit mila*, p. 145; Hoffman, p. 3.

² *Ibid.*, p. 146.

- Circumcision is a physical act on the private male member, while religion was to concern itself with more elevated and edifying matters. Reformed Judaism is prophetic Judaism, and Jeremiah as well as Deuteronomy speaks of circumcising hearts, a notion that could be given universal moral significance. Primitive tribes practice circumcision and it cannot properly be the mark of a higher faith.
- Circumcision set the Jewish man apart from his fellows¹.

4) Present debate among American Jews

The debate of the reformed German Jews was transferred in the 19th century to America with the Jewish immigrants. At that time, circumcision was an operation limited almost entirely to Jews. In 1870, the rate in the general population is estimated to have been 5 to 8%. When the American Reformed Rabbis gathered for the first time in Philadelphia in 1869, circumcision was on their agenda. The following resolution has been adopted:

The male child of a Jewish mother, no less than the female child, is to be considered as a member of the Jewish community by descent, even if uncircumcised, in accordance with a basic principle of Judaism which has never been questioned.

The meeting discussed whether to require that male proselytes undergo circumcision. Isaac Mayer Wise, the most important figure in 19th century American Reformation, believed that bringing converts into Judaism was part of what the early Reformers called the "Jewish mission" and that the agony of adult circumcision was discouraging to potential Jews. But his rival David Einhorn stated that he favoured keeping circumcision for male converts since by the acceptance of proselytes "many impure elements were brought into Judaism" and the requirement of circumcision fortunately helped keep them out. Wise's suggestion was not acted upon².

Progressively however circumcision has been introduced in the United States among non-Jews and was accepted by the majority and performed as a routine operation on children before their exit from the hospital. The problem met by the Jews in Germany where they were nearly the only group to circumcise did not exist any more in America. Therefore, there was no reason to discuss circumcision³.

Evidently circumcision in hospital, performed by physicians, without the ritual and before the eighth day, was not admitted by the Rabbis. But it was not necessary to disregard this opportunity that has been given them to recover their authority over the Jewish community. They trained physicians and *mohels* who could perform circumcision in and out of hospitals. And taking advantage of the recognition in the United States of religious marriage, they bound this last to the circumcision⁴.

The dramatic events of the Second World War and the creation of Israel put an end to the debate on circumcision, this one having been considered as the link with Judaism. The central conference of American Rabbis in 1979 took a firm position in favour of circumcision in its book *Gates of Mitzvah: a guide to the Jewish life cycle*, representing the new tendency. It says that "It is a *mitzvah* to bring a male child into the covenant through the rite of circumcision", and adding that "circumcision alone, without the appropriate prayers, does not constitute entrance into the Covenant". The operation, whenever possible, was to be performed by a person "specially trained, both religiously and medically, in this proce-

¹ Ibid., p. 143.

² Ibid., p. 146-147.

³ Ibid., p. 146-147.

⁴ Ibid., p. 146-147.

ture, a *mohe!*". Recognizing the claims of egalitarianism, the conference noted that a suitable ceremony should also mark the entry of newly born girls into the Covenant¹.

Hoffman reports that he received a phone call from a woman whose daughter, like herself, maintained no official tie with any Jewish organization, including a synagogue. The daughter had given birth to a boy and was prepared to have him circumcised like most other boys in America: not ritually, but by a doctor in the hospital before taking him home with her. The woman had argued tenuously that her daughter should wait until the eighth day, but nothing would convince her to do so. Finally, however, she agreed at least to have a Rabbi present to that "it should feel Jewish". The woman placed several calls to Jewish organizations, including the New York national office of the Reform Movement, where someone gave her Hoffman's name. Could she "hire" him for an hour to attend the medical procedure in the hospital? In the course of the conversation, Hoffman declined, she pleaded, and he declined again. Finally she acknowledged that she would just have to call another Rabbi, whose name, she professed, she would attain simply by calling back the agency. Hoffman comments:

A woman who belongs to no synagogue, who raised children with little or no Jewish consciousness, who has (at best) tenuous memories of what Jews do, and who is sufficiently alienated from contemporary Jewish life as to think she has been in contact with a hire-a-Rabbi agency is not someone with particularly deep attachments to things Jewish. But not to have her grandson circumcised in at least a marginally Jewish way seemed to her tantamount to apostasy².

It is necessary to point out here that the tendency of Rabbis to re-establish their former power of granting circumcision its traditional role has confronted in the United States the problem of adherence to congregations. Indeed, figures demonstrate that only 30% of Jews in the US are part of any congregation. This means that Rabbis are in relation only with these last, and only these can be influenced by Rabbis during their visits in hospitals. The other Jews are freer in their decisions to choose circumcision in a hospital by a physician, without observing the eight days prescribed by the Bible and without expensive religious ritual.

However this new favourable approach to circumcision doesn't seem intended to last. Indeed, a new debate over circumcision is reaching a conclusion in the United States. But this time, debate wasn't initiated by the Jewish minority, but by the Christian majority, not for religious reasons, but for medical, ethical and psychological reasons.

Even though Christians opposed to male circumcision try to avoid the religious debate because they don't like to be labelled anti-Semitic, their opposition affects Jews. Indeed, these Christians tried to dissuade insurance companies from paying for the operation, to reduce the rate of circumcision and to prove that its disadvantages are superior to the supposed advantages. If this opposition is successful, the Jews will find themselves again more and more isolated in this practice, will themselves have to pay the expenses, and won't be able to invoke medical reasons anymore to justify themselves. These factors, sooner or later, will push American Jews to question circumcision, as did the German Jews. Feminist groups that claim more equality between men and women, and consider circumcision as a discriminatory mark, reinforce these factors³. Hoffman says current uneasiness with the rite falls into three categories in the US:

¹ Ibid., p. 147-148.

² Hoffman, p. 212.

³ Barth: Berit mila, p. 148-149.

- 1) Ritual: Circumcision is inherently sexist. It conflicts with the higher value of promoting egalitarian Judaism and thus cannot be justified any longer as a desirable Jewish ritual.
- 2) Medical: Far from being medically beneficial (as it was once thought to be), circumcision is at best medically neutral, and maybe even dangerous, so that we can no longer justify it on non-ritual but rational grounds relating to hygiene or health.
- 3) Moral: Removal from both ritual and medical grounds of justification, circumcision emerges as nothing more nor less than a classic instance of genital mutilation practiced on helpless children. As such, it should not be countenanced¹.

There are six attitudes among the Jews concerning circumcision:

- 1) There is a current attitude that remains attached to the traditional circumcision. This attitude treats the religious text as literal, considering it as revealed and imperative. Therefore, it sees in circumcision an order addressed by God to Abraham and his descendants as sign of a covenant between God and the chosen people.
- 2) An approach that asks to introduce reforms on traditional circumcision. It interprets the sacred text like a historical, sociological and philosophical text. It insists on the necessity to practice circumcision, allows it be performed on children born to non-Jewish mothers, and recommends the organization of a similar ritual for girls.
- 3) Another approach requests the abolition of the bloody circumcision and to maintain the ritual. Some try to cut a carrot instead of cutting the foreskin or are satisfied with drawing one drop of blood from the prepuce².
- 4) A further attitude maintains the circumcision but suppresses the religious ritual. This idea evolved as a result of the phenomenon of births in the hospital and the practice of the routine circumcision by physicians. This theory doesn't require circumcision to be performed on the 8th day anymore and doesn't resort to religious personnel. But it continues however to see in this circumcision a sign of adherence to the Jewish people.
- 5) Another approach suppresses the circumcision as well as the ritual.
- 6) Some opponent Jews redo their foreskin to erase the traces of the circumcision³.

One will notice in this respect that a similar development is noted among the Christian Western in regard to infant baptism. Indeed, the Catholic Church recommends early baptism so that the child is saved if he dies. An indeterminate number of families withhold baptism from their children either because they don't believe in its spiritual value anymore, or because they wish to leave the decision to the child when he is adult. It is necessary to say however that baptism differs significantly from circumcision by reason of the physical and psychological dangers of this last. There are Jews who begin to express their discontent concerning circumcision estimating that it has a negative impact on the children as well as on their parents⁴.

One can say therefore that the institution of circumcision recognizes a process of fissuring that will lead to its abolition sooner or later, whatever the current tenacity of its proponents. Even Rabbis join the movement against circumcision. This movement includes many Jewish authors who nourish opposition, in both their attitude and their writings. We try in the

¹ Hoffman, p. 213.

² Romberg: Circumcision, p. 62.

³ See part 3, chapter 7.

⁴ Goldman: Questioning circumcision, p. 31-41.

following pages to expose the point of view of two Jewish Americans that are of this persuasion: the psychologist Ronald Goldman and the feminist writer Miriam Pollack¹.

A) Opinion of Ronald Goldman

Ronald Goldman is a Jewish American doctor in psychology and director of a center fighting against male circumcision². In 1997, he published a book with the reminiscent title *Circumcision the hidden trauma, how an American cultural practice affects infants and ultimately us all*. We will come back on this book in the social debate. But what interests us here is a booklet from 1995 titled *Questioning circumcision: a Jewish perspective*, and an article of 1997 titled *Circumcision: a source of Jewish pain*³, whose goal is to persuade the Jews to abandon the practice of male circumcision.

In his booklet of 1995, Goldman indicates the development of the religious thought of the Jewish authors and its impact on circumcision. These authors note what follows:

- Several peoples other than the Jews practiced male circumcision.
- It is a substitute sacrifice replacing the sacrifice of the eldest son mentioned in the following verse: "The firstborn of your sons you shall give to me. You shall do the same with your oxen and with your sheep: seven days it shall remain with its mother; on the eighth day you shall give it to me" (Ex 22:28-29).
- It was a mark imposed on the slaves as demonstrated in the following verse: "Both the slave born in your house and the one bought with your money must be circumcised" (Gn 17:13). The Jews may have learned it from the Egyptians when they were slaves in Egypt. Upon freedom, circumcised fathers could have chosen to circumcise their sons so that their penises would appear similar, a major reason reported by parents who choose routine American hospital circumcision today. The assumed divine requirement for the act could have served to relieve the parents of any sense of responsibility or guilt⁴.

Goldman answers to those who want to maintain circumcision invoking the attachment to the Jewish people, the Jewish history, and the resistance of those who have circumcised their children despite persecutions. He says that we can admire the commitment of those Jews to their beliefs, but they did not know what we know now about circumcision, and some Jews do not share those beliefs. On the other hand, circumcision cannot be considered a sign of adherence to the Jewish people since any child born of a Jewish mother is a Jew, whether circumcised or not. Having a foreskin does not make a person less of a Jew than those without one, and in fact it gives him an additional reason to think about it⁵.

Answering to those who argue that questioning circumcision threatens the survival of Judaism, he says that honest questioning can only strengthen Judaism. Tying Jewish survival and identity to circumcision neglects the significance of Jewish ideas and ethical values. Goldman asks: "Is a circumcised atheist more of a Jew than an uncircumcised believer in one God? Obviously, having a body part removed has its effects, but it does not guarantee one will be more religious or ethical"⁶.

Goldman shows that despite the solidity of the opponents' arguments, their position requires a lot of courage, notably to face the family's and community's pressures. Some Jews

¹ On other Jews opposed to circumcision, see Aldeeb Abu-Sahlieh: *Khitan*, vol. I, p. 107-131.

² Circumcision resource center, Boston, homepage: www.circumcision.org.

³ Goldman: *Circumcision: a source of Jewish pain*.

⁴ Goldman: *Questioning circumcision*, p. 4-7.

⁵ *Ibid.*, p. 10-11.

⁶ *Ibid.*, p. 42.

refuse circumcision but don't dare to confront their milieu. He quotes Natalie Bivas who wrote: "I spent most of my pregnancy crying, vomiting, ruminating, and reading about circumcision". Pregnant mothers sometimes reveal that they hope for a girl to avoid circumcision¹.

In his 1997 article, Goldman explains that over centuries there has been much written by Jewish scholars about the importance of circumcision. Support for circumcision in the Jewish community is widespread. That is not openly discussed. But contrary to common belief:

- Circumcision has not always been practiced.
- Moses failed to circumcise his son.
- Circumcision was totally neglected during the forty-year period in the wilderness.
- Some Jews in the Hellenistic period chose not to circumcise their sons.
- During the Reform movement in Germany in the 1840s, some parents did not circumcise their sons.
- Theodor Herzl, founder of Zionism, did not circumcise his son, who was born in 1891.
- Circumcision is not universal among Jews either inside or outside the United States.
- Even in Israel some Jews do not circumcise, and there is an organization there that publicly opposes circumcision.

Goldman gives the reasons for which Jews should abandon male circumcision:

- According to the Council of Jewish Federation 1990 National Jewish Population Survey, 90% define being Jewish as being a member of a cultural or ethnic group. Only 13% believe the Torah is the actual word of God. Goldman quotes Rabbi Eugene Borowitz who said that Reformed Jews "believe that we serve God best by being true to our minds and consciences even where, in significant matters, they clash with our heritage".
- Most Jewish circumcisions are done for cultural not religious reasons. These cultural reasons often tend to be related to beliefs, attitudes, and feelings about Jewish survival and identity. Jewish circumcision was never intended as a health measure, and there are no proven health benefits from circumcision. An argument for Jewish circumcision is that it ensures the survival of the Jewish people. But the biggest threat to survival today is assimilation, and there is no evidence that circumcision prevents or slows it. More than half of all Jews who marry choose a non-Jewish spouse. Circumcision is considered as a condition to survive and to be Jewish. But this idea is not true, as any child born of a Jewish mother is a Jew, whether circumcised or not. Having a foreskin does not make a person less of a Jew than those without one.
- There are increasing doubts about Jewish circumcision as based on the understanding that it causes harm. Anatomical, neuro-chemical, physiological and behavioural studies confirm what mothers already know: infant feels pain, even more than an adult.

¹ Ibid., p. 33.

- Circumcision provokes specific behavioural changes, which may disrupt the adaptation of newborn infants to their postnatal environment, the development of parent-infant bonding, and feeding schedules.
- There are more than twenty different potential circumcision complications, including haemorrhage, infection and surgical injury. On rare occasions death has resulted.
- Maimonides says that circumcision weakens the power of sexual excitement, and contemporary research supports the view that circumcision diminishes sexual pleasure.
- Circumcision creates a tension between the Jewish mother and her community, which doesn't bring its support to her sufferings.
- Circumcision is contrary to moral values of Judaism. The Torah prohibits the torture or causing of pain to any living creature. Now that we know some of the consequences of circumcision, Jewish law obligates us to be open and honest about it. In addition, we may ask if, given a choice, we would consent to being circumcised. If not, then considering Hillel's encapsulation of Judaism: "What is hateful to you, do not to your fellow-creature", should we force circumcision on another. With circumcision, we generally overlook the humanity of the newborn infant and his awareness, perception, sensitivity, and meaningful responsiveness. Furthermore, circumcision is against the commandment, which prohibits stealing (Ex 20:15), as the foreskin is the property of the child. It is also against the moral obligation to help those who are helpless and the prohibition of cutting or marking the body (Lv 19:28).
- If one accepts circumcision as a Divine commandment, Jews, as partners with God, still reserve the right to question and argue with God. Regarding the Covenant, Borowitz states that each partner participates in it in full integrity; neither one is master, neither one is slave; both can make their demands, each partner saying, if necessary, a painful but self-respecting "No". Even among traditionalists, religious laws and practices have changed because of reconsideration and the evolving social environment. It is for example the case of offences such as adultery (Lv 20:10; Dt 22:21), homosexual acts (Lv 20:13), blasphemy (Ex 21:17) and stubbornly disobeying one's parents (Dt 21:18-21). The Bible foresees death penalty for these acts. In addition, according to Torah law, only a man can divorce his spouse (Dt 24:1) and inheritance is restricted to sons (Dt 21:15-17). However, all these rules have been abandoned. We should then be able to change the rules on circumcision.
- Despite the pressure, an increasing number of Jewish parents are finding the courage to say no to circumcision. These parents listened to their inner voice, a voice that does not necessarily conflict with the voice of God. As Rabbi Lawrence Kushner states: "The voice, if it be truly the voice of the holy One of Being, speaks from both without and within. And it is the same voice". If human beings are created in God's image and God is spiritual, then we and God have a common spiritual essence. When we act on our deepest, purest impulses, God is acting through us.
- Some Jews, who choose not to circumcise but still want a ritual, change the ritual to omit the circumcision. Instead, they include other ceremonial elements that are sensitive to the infant and the community. This alternative ritual can be used for both male and female infants.

Goldman adds that those considering circumcision for their child may want to consider the following points:

- 1) Your child's welfare is the primary consideration.
- 2) The fact that a father is not personally aware of any negative effects from circumcision does not necessarily mean that there will be none for his son. Long-term sexual and psychological harm from circumcision has been reported by hundreds of men in a national survey.
- 3) Circumcision is irrevocable, while an uncircumcised male still has options. If in doubt, the conservative choice is not to circumcise.
- 4) Would you circumcise your son if most Jews did not?
- 5) Attend a circumcision and empathize with the infant. Stand up close so that you can see the procedure. If you feel averse to doing this, what does that tell you?

Goldman finishes his article by these terms:

Questioning circumcision is not threatening to Judaism; it is threatening to the defences surrounding circumcision pain. Honest questioning about circumcision will strengthen Judaism and provide opportunities for deeper communication¹.

B) Opinion of Miriam Pollack

Miriam Pollack is an American Jewish educator of feminist tendency. To present her position, we rely here on two of her articles: *Circumcision: a Jewish feminist perspective* of 1995², and *Redefine the sacred* of 1997³.

In her first article, Pollack considers circumcision to be at the heart of the inequality between the sexes in Judaism. For the Jewish males, it is a mark of identity and adherence to the Jewish people and/or faith. As for woman, circumcision could have the same sense until her pregnancy. Once pregnant, she begins to tremble while hoping that the child is a girl. This dilemma is accompanied by shame. Not only is she ashamed to object to circumcision, but also to express her feelings. Because such expression would mean to oppose what Jewish tradition has considered sacred for about a hundred generations. It also means to confront her husband, the parents and in-law and to penetrate a male preserve. It means the fear of being rejected by her people and to sacrifice her Jewish identity. As a result of these feelings, the woman ends up capitulating. It is also the choice Pollack made but she keeps in her memory the screaming of her children⁴.

Pollack explains the medical reasons for which circumcision has been performed in the United States. But these reasons are not valid since the European countries and Japan don't practice it. She postulates that the change of the shape and function of the penis by amputating the foreskin, affects the brain and the spirit. Even before the perception of her son's circumcision, the mother begins to feel terror, but tries to disguise her feelings. We consider that she exaggerates reactions. We underestimate her feelings and her son's feelings⁵.

She then realizes for certain that the man is dominant in Jewish society. God asked Abraham to circumcise his son Isaac and to offer him like sacrifice, while forgetting Sarah completely. The Bible speaks of Isaac as if it was only the son of Abraham. However, Abraham had another son whereas Sarah only had one son. Sarah has been put aside completely, as if she had died. And it is Abraham who is considered as the father of nations without her⁶.

¹ Goldman: Circumcision: a source of Jewish pain.

² Pollack: Circumcision: a jewish feminist perspective.

³ Pollack: Redefining the sacred.

⁴ Pollack: Circumcision: a jewish feminist perspective, p. 171-172.

⁵ Ibid., p. 172-176.

⁶ Ibid., p. 179-183.

Pollack tries to get rid of the imperative Jewish rule concerning circumcision by indicating that circumcision opposes other Jewish religious norms in respect to life and the human body. Even the sabbath can be violated to this end. The Bible and the Talmud impose mercy towards animals and forbid destruction of the fruits of the earth even during war¹. Pollack suggests also that the Jewish religion is a religion in evolution, perfectible. It is important to review the conception of circumcision and the woman's role in Judaism by instituting a *berit bila milah* (covenant without cutting) in replacement of *berit milah* (covenant with cutting) for boys as well for girls, and to help men in their struggle to review the notion of masculinity based on the fear of women².

In her second article, Pollack notices that male circumcision as practiced today is quite different from that practiced by the Biblical ancestors. At that time, Jewish circumcision consisted of cutting off that part of the foreskin that extended beyond the glans, leaving much of the foreskin intact. Many Jews tried to hide their circumcision in order to be assimilated into Greek culture or, later, to elude persecution by the Romans. In order to prevent Jews from hiding their circumcision by various methods of stretching and tying their remaining foreskins, in about 140, the Rabbis demanded that, in order for circumcision to meet the standard of Jewish law, radical circumcision or *periah* must be performed. *Periah* consists of the complete stripping and shearing the foreskin³.

Pollack denies that circumcision maintains the Jewish identity. Some circumcised Jews don't have any connection with their Jewishness. On the other hand, the Jewish women kept their identity through centuries although they are not circumcised. Pollack concludes that clearly circumcision serves functions far more subtle and more powerful than simply the physical and spiritual survival and identity of the Jewish people. It is about gender and power aiming primarily to disempower the mother and to disrupt her relation with her child. The knife is poised at the male organ of the baby, but it is just as surely aimed with equal precision at the heart and soul of the mother. The message embedded in the ritual of circumcision becomes very clear: woman, you have very limited power over this male child; he belongs to the men. When the mother is disempowered at the birth of her son, the relationship between husband and wife is artificially distorted, and the child's manhood is also transformed. Is it any wonder that, 18 years later, the mother is often forced to relinquish him again for the military service? The circle of men has signalled her from birth with the knife: "Woman, you cannot protect this male child". In this sense, circumcision foreshadows conscription⁴.

Pollack refers to Maimonides who said that circumcision is aiming to reduce sexual pleasure. Circumcision is therefore directed against that of which the Jew is afraid: woman and sex. Circumcision is necessary for a society dominated by men, but it is not a sacred thing: it is against the respect of life and the duty to be compassionate to living things as prescribed by Jewish law⁵. Pollack demands that Jews ask more questions about the sacred ritual of circumcision. They have to know that raising a knife to the genitals of a child is not holy. It is not sacred. Just as the angel intervened to stop Abraham from slaughtering Isaac according to his understanding of God's command to sacrifice him, so too it is time for Jews to intervene and oppose the knife aimed at the baby's tender and innocent genitalia⁶.

¹ Ibid., p. 183.

² Ibid., p. 185.

³ Pollack: Redefining the sacred, p. 166.

⁴ Ibid., p. 167.

⁵ Ibid., p. 168-169.

⁶ Ibid., p. 171-172.

5) Opening of the debate in Israel

In addition to the uncircumcised ex-Soviet Jews, tens of Israeli parents don't circumcise their sons for ideological reasons. They constituted an association whose aim is to struggle against circumcision in Israel and in the world. They claim that "there is no need to cut anything to be Jewish" and that "circumcision may lead to mental trauma, long-term medical complications and a reduction in sexual pleasure".

The Chief Rabbi of Israel, Eliahu Bakshi Doron, attacked this movement. He declared: "To my great chagrin I knew that this would happen. Self-hate has taken hold of the people. The idea that anything Jewish is abominable has spread to the *brith milah* as well, that most Jewish sign, a simple procedure against which nothing can be said". Even the claims about possible damage caused by circumcision do not, in his opinion, justify any doubt about this ancient custom: "Who can decide that we are dealing with something primitive, antiquated, and painful. God be blessed, the Jewish people live like this already for many generations. Even if circumcision harms sexual pleasure, that is not a tragedy".

On the other hand, the Professor Uzi Beler, gynaecologist at the Shaari Tzedek hospital in Jerusalem, says, "circumcision diminishes the chances of both men and women to get several infections developing in the sexual organs". The opponents answer that if you want to keep clean, you can always wash the foreskin. There is no need to cause so much pain to the baby. They add that many more boys die from circumcision than from genital infections. They quote Maimonides for whom male circumcision reduces sexual pleasure. They also invoke the Israeli legislation against abuse and maltreatment of the innocent according to which circumcision is an illegal act: "They take a defenceless boy and they circumcise him without asking him, says a female member of the organization. They cause him mental and physical damage while people stand next to him, eat burekas and orangeade, without paying any attention to the baby's screams. In our opinion, those by-standers violate the law as well".

The opposition to circumcision in Israel is not a simple affair. As we saw before, uncircumcised men cannot be buried in Jewish cemeteries. The parents who refuse to circumcise their children meet enormous problems with their families and their friends who break all relations with them. An article appeared in the Israeli press reporting that a mother refused to circumcise her son. Her father threatened to deprive her of her inheritance. Another couple lost all contact with their family and friends. A friend compared the couple to Hitler and accused them of trying to destroy Judaism¹.

Despite these harassments, opponents meet every other week in order to strengthen their struggle and to sustain each other. The singer and literary critic Menachem Ben joined the group. He didn't organize circumcision for his sons, Despite his firm belief in God and the Bible: "It is possible to do a *brith milah* at a level specified in the Torah: "Circumcise yourselves to the Lord, remove the foreskin of your hearts" (Jr 4:4), he claims with insistence. "I circumcised my sons my own way, without cutting, by reading verses from the Bible".

Shimon Elmaqor, president of the aforesaid association, wrote to me December 31, 1997 a letter in which he says

Our Association has an attitude of abhorrence to the abominable custom of coercive circumcision in Israel, and it leads an active public campaign for convincing the public to cease it. This attitude stemmed not only from the general moral stance that befits conscious and cultural people, but also from the discovery that I made that the com-

¹ Message on Internet dated 30.5.1997 from Ari Zighelboim, akp@communique.net quoting an article of Itamar Eichner, London Daily Telegraph, 5.5.1997; Hecht: The cutting edge.

mandment of making circumcision that had been instituted by God Himself was abolished totally and absolutely.

He included a flyer in his letter containing the following call in English:

A call to the Hebrew man and to the Hebrew woman about circumcision and the deterioration of the culture of Israel and of mankind

Hebrew man!

If you are uncircumcised, don't agree to undergo circumcision. If you agree, you will not be able to be also an Israelite, because true Israelites are of an intact and entire body, without any ritual mutilation, which means that they are the true image of God. This fact is because the God of Israel abolished the commandment of circumcision; and the proof of this abolition is the very meaning of *Israel* – the one who wrestles with God and prevails upon him, a meaning that is symbolic of the faculty of man of being a free and independent entity and of his power to prevail upon destiny or predetermination. In this case such faculty manifested itself in the abolition of an unfortunate ritual divine disposition: the commandment of circumcision.

Hebrew man and Hebrew woman!

The story of that abolition is recounted in an ample passage of a chapter of the Bible, and the abolition itself is expressed explicitly in the verse thereof that says: "Therefore, Israelites don't disrupt (consume) the losable ligament that is situated in the hole of the hip (=groin) unto this day" (Gn 32:33) (our translation, sanctioned by recognized Hebrew biblical scholars).

This abolition is understood nowadays just the opposite of the original intention, because the punctualised vocalization in the original Hebrew of the essential word thereof *yeaklu* = *disrupt, consume, eat*, is mistaken, and because the correct meaning of the expression appearing in the Hebrew original *ha-gid ha-nasha* was forgotten, and because of the lack of knowledge of the ancient history of the People of Israel and of difficulties in its understanding. But now, Hebrew man and Hebrew woman, pay attention by yourselves, and with the achievements of the science of textual criticism, you will find the truth; and the truth is that the correct vocalization is *yeaklu* = *consume, disrupt*, not *yoklu* = *eat*, and, further, that the correct meaning of *ha-gid ha-nasha*, *the losable ligament*, which is a rhetorical-jocular nickname of the virile member used in Rabbinical and liturgical literatures.

Circumcision done by coercion is a moral and cultural abomination, the more as it is done to a little child, lacking understanding and the power of conscious and free agreement. Coercive circumcision throws shame on its perpetrators, and contradicts the Law (Torah) and the will of the God of Israel, the God of all flesh, the God of all the earth, the God of love, of compassion, of freedom and of man's honour.

Because of the vile custom of circumcision, the People of Israel is not able to fulfil its mission of becoming a light to the Gentiles and salvation unto the end of earth; and Jerusalem is not able to fulfil its destiny and mission of becoming the capital of all the united world.

The controversial verse comes from the chapter 32 of Genesis. We mention here the whole passage:

The same night (Jacob) got up and took his two wives, his two maids, and his eleven children, and crossed the ford of the Jabbok. He took them and sent them across the stream, and likewise everything that he had. Jacob was left alone; and a man wrestled with him until daybreak. When the man saw that he did not prevail against Jacob, he

struck him on the hip socket; and Jacob's hip was put out of joint as he wrestled with him. Then he said: "Let me go, for the day is breaking". But Jacob said: "I will not let you go, unless you bless me". So he said to him: "What is your name?" And he said: "Jacob". Then the man said: "You shall no longer be called Jacob, but Israel, for you have striven with God and with humans, and have prevailed". Then Jacob asked him: "Please tell me your name". But he said: "Why is it that you ask my name?" And there he blessed him. So Jacob called the place Peniel, saying: "For I have seen God face to face, and yet my life is preserved". The sun rose upon him as he passed Peniel, limping because of his hip. Therefore to this day the Israelites do not eat the thigh muscle that is on the hip socket, because he struck Jacob on the hip socket at the thigh muscle (Gn 32:22-33).

One finds a mention of Jacob's fight in the book of Hosea: "The Lord has an indictment against Judah, and will punish Jacob according to his ways, and repay him according to his deeds. In the womb he tried to supplant his brother, and in his manhood he strove with God. He strove with the angel and prevailed, he wept and sought his favour; he met him at Bethel, and there he spoke with him" (Hos 12:3-5).

From these two passages, the term *Israel* has been interpreted as meaning *to fight against God*.

The New revised standard version of the Bible translates the controversial verse as follows: "Therefore to this day the Israelites do not eat the thigh muscle that is on the hip socket". The aforesaid association translates it: "Therefore to this day the Israelites do not disrupt the virile member". This translation indicates, according to the association, the abolition of the circumcision.

Shimon Elmaqor published an article titled *The abolition of circumcision by Israel*¹ in which he explains his new theory. He asks: "What relation is there between the fact that a certain Hebrew man struggled with another man – in this case, God himself, in a human form -, and vanquished him, and the fact that the descendants of the vanquishing man don't eat a determined piece of meat?" He adds: "The vanquisher had demanded a blessing for himself, and that he had obtained it; so then, was an impediment imposed on him and on his offspring, a blessing?"

According to Shimon Elmaqor, to answer these questions it is necessary to understand the sense of the biblical text. Indeed, the Hebrew words, as the Arabic words, can mean different things when they are not punctuated with vowels. This is what happened with the expression "to eat the thigh muscle". This expression should be understood in another sense. The proposed sense is: to damage the virile member. And in this case, the sense would be clearer and would indicate that Jews don't circumcise anymore.

Shimon Elmaqor says that his interpretation finds support in the ulterior texts of the Bible. Indeed, since that time the Jews stopped circumcising their children. Moses' son was not circumcised (Ex 4:25). The same of the Jews born in the desert (Jos 5:5). Without the abolition of circumcision one would not understand the reason for which one disregarded circumcision in these two cases. A text of the Talmud indicates that Jews were circumcised on the night of their exodus from Egypt. This means that they lived in Egypt 400 years without circumcision. The Bible reports that the daughter of Pharaoh had recognized Moses' Hebrew origin after having found him in his ark in the river (Ex 2:6). She arrives at this conclusion because he was not circumcised, contrary to the Egyptian children.

¹ Elmaqor, p. 6-9.

But if the circumcision has been abolished, why were the Jews circumcised on the night of their exodus from Egypt and on the day of their entrance to the Promised Land? Shimon Elmaqor answers that in those two opportunities the Sons of Israel were about to shed the blood of other people, and as the law of the God of Israel established that whoever sheds the blood of a man, his own blood is to be shed (Gn 9:6), the sons of Israel suffered the same pain that other people suffered, just in order that they not become a cruel and uncaring people, but able to see and feel the sufferings of others.

Why have the Jews continued to circumcise in spite of the abolition of this practice in the days of Jacob? Shimon Elmaqor answers that it is because after Joshua's death the people forgot the new law, influenced by the customs of the local and neighbouring peoples (Jg 2:10), and so the situation continued for centuries. In the time of king Josiah a book written by Moses was found in the Temple (II Ch 34:14-21). The king understood from reading it that a terrible sin had been committed by the people with the renewing of the cruel custom of circumcision (Dt 32:5). The king fought that terrible sin by renewing the covenant and making it understandable to all the people (II Ch 34:32-33) and for doing that he chose the feast of Passover (II Ch 35:1). But when the Jews went into the exile of Babylon they again forgot that abolition, because of the customs of the local people there. When they returned from the exile, they already had forgotten the text of the Bible, and even the Hebrew language. Thus it happened that the sons of Israel keep the vile custom of circumcision unto this very day.

Here Shimon Elmaqor concludes his article. As one sees it, he bases himself on a new interpretation of the biblical text to convince his coreligionists who are so much attached to the letter of the Bible. But one doesn't know how far such an interpretation could make its impression among fundamentalist Jews and Christians, or even among the non-fundamentalists. While discussing with him, I explained to him that before one can follow him, it is necessary to start with believing in the strange history of Abraham's circumcision and the no less strange history of Jacob's struggle with God and his victory.

In addition to the religious argument, opponents try to lean on the existing law. In 1998, they presented a demand to the Israeli Supreme court that it should declare circumcision to be contrary to the *Basic law: Human dignity and liberty*. They also wish that circumcision be performed solely in hospitals, like all other operations, after obtaining the authorization of the child's parents¹. This demand, declared acceptable by the court, angered the attorney general: "It is inconceivable that the only country in the world to prohibit circumcision should be Israel"². But the court decided in May 1999 to reject the demand without giving justification to its decision, being satisfied with the government's evasive answer³.

6) Saving of circumcision boat

From what has preceded, one may note that the debate over circumcision parallels a debate over the Holy Bible itself. Indeed circumcision constitutes a test by which one may point out weak points of this book. The debate on the circumcision is a direct reflection of the debate over the inerrancy of scripture, as well as a reflection of changing thought on religious, philosophical and sociological positions through the centuries.

There is a desire on behalf of some Jews to adapt circumcision to this interpretative evolution⁴. But Rabbis are conscious that the arrows against circumcision will end up touching the Bible itself and their dogmatically held religious theories. For this reason, they react

¹ Zoosmann-Diskin; Blustein, p. 345-349.

² Jerusalem Post, 17.2.1999, on Internet.

³ E-mail from Avshalom Zoosmann-Diskin, transmitted by J. Steven Svoboda on 1.6.1999.

⁴ Barth: Berit mila, p. XVII-XVIII.

vehemently against any attack addressed against circumcision, accusing their adversaries of anti-Semitism¹. Besides, the abolition of circumcision is a loss of a part of the Rabbis' authority over society, because they consider circumcision "one of the foremost commandments of the Torah and one of the most crucial for the preservation of Judaism"². This fear is visible in the following declaration of a book published by the American reformed current:

Despite the powerful current influences working against circumcision, it seems that, at least in the short run, *berit mila* will continue to enjoy its recently attained and unprecedented status in American Reform Judaism. The delight in life-cycle events and the desire to emphasize particularizing and tangible Jewish experiences seem to be continuing unabated. For many Reform Jews, *berit mila*, once a source of concern and controversy, has become a ritual of profound significance³.

Hoffman explicitly expresses the fear of the abolition of circumcision hardly hidden in this quote. This author considers that "opposition is slowly growing, and for the first time in history, it includes outspoken Rabbis as well". He mentions a discussion he had with a group of young Rabbis about male circumcision:

As we went around the room, several of these young Rabbis related the case of their own son's circumcision, about which, it turned out, they frequently harboured intense rage, rage at themselves for allowing it to happen, and in some cases rage at the *mohel* who had done it and botched the job... At one point, people cried: "then maybe we should get rid of circumcision", one voice suggested. Silence ensued. I broke it by adding: "But we haven't. Is there anyone here who has had a son but not circumcised him?" Silence became anger. In a way, I had no right to participate in the debate. It was true, as someone there charged: "It's easy for you to talk. You have already had all your children. We still have to worry about it". Besides, as an academician, I could afford the comfort of theoretical discourse. But these were Rabbis in congregations who faced the dilemma of circumcision every time a baby was born to one of their members, not to mention to themselves⁴.

But this author comforts himself by mentioning an article of Rabbi Michael Herzbrun. Shocked by his son's tears, he found himself asking: "What about my son's needs? As he struggled in pain, had I somehow abandoned him for the sake of the ceremony? What kept me from aborting the ceremony on his behalf?" Herzbrun concluded that he had betrayed his own infant boy, even smiling at the people assembled in the room and assuring them silently that everything was all right, when he knew that it was not. Nevertheless, he asserts: "Despite the cutting of the flesh and the pain inherent in the circumcision procedure, the *brit milah* appears destined to remain an inviolate rite". Hoffman begins his book and finishes it by this story⁵.

In front of the strength of the opposition to circumcision, Rabbis try to save the boat of circumcision from the wreck, or at least to take out what they can save of it. They started with training physicians so that they can practice the ritual circumcision. Then they allowed the utilization of anaesthesia in order to reduce the suffering, and opened the door to women so that they can perform circumcision in order to calm feminist movement critiques.

¹ Ibid., p. 148.

² Ibid., p. 162.

³ Ibid., p. 149.

⁴ Hoffman, p. 218

⁵ Ibid., p. 2 and 219.

Hoffman proposes besides the following modifications to the ceremony of the circumcision:

- A conscious effort to reshape the liturgy so that, as much as possible, it becomes egalitarian. Mothers and fathers should say together what was once just the father's blessing, and the same prayers be said both for sons and for daughters in a rite that is no longer called "the covenant of circumcision" but simply "covenant". Thus, on the eighth day after their birth, both boys and girls are initiated into the *covenant of our People Israel*, instead of the traditional covenant of Abraham our father, by their mother and father.
- If the child is a boy, ritual circumcision with anaesthesia may occur at the same time, but in the background rather than as the ritual focus of the ceremony. The operation this takes a backseat to the liturgy, thereby emphasizing the theological notion of covenant and playing down the actual surgical procedure¹.

Let's point out here that Hoffman developed in his book a theory according to which the alliance between Abraham and God was not an alliance of cutting, but an alliance of the blood of the cutting. What is important, according to him, is not to amputate the foreskin, but to draw a drop of blood. He estimates that in the time of Abraham circumcision was completely different to what we know of today. We will come back to this theory in the following chapter.

Section 4.

Jewish circumcision operation

The Jewish religious circumcision has been regulated extensively to determine who must undergo it, who executes it and which prayers must accompany it. We will start with the traditional bloody circumcision before speaking of the non-bloody circumcision proposed by the opponents.

Sub-section 1.

Bloody circumcision

1) Person submitted to circumcision

A) All males born Jewish

The rule of basis says: "every male among you shall be circumcised when he is eight days old" (Gn 17:12); "On the eighth day the flesh of his foreskin shall be circumcised" (Lv 12:3). But this very simple rule created many problems: Who is Jewish? What to do if the eighth day is a sabbath? Can one delay the circumcision if the child is sick? What to do if the child dies before the eighth day?

a) Who is Jewish?

The circumcision is the sign of the adherence to the Jewish people and of the covenant between God and this people. It was necessary to determine therefore who the Jew is.

According to the Jewish norms, the Jew is a person who was born to a Jewish mother, whatever his father's religion. A mother who converts to Judaism is regarded as a Jewess in

¹ Ibid., p. 219.

every respect. Her child's religion depends on whether the child was born before or after the conversion. If the child was born after the conversion, he is, of course, Jewish, because he was born to a Jewish mother, even if the conversion of the mother took place during pregnancy. If she converts after the birth of the child, the child is not considered a Jew unless he converts. As in Muslim law, Jewish law doesn't permit adoption. But an Israeli law permits it. If therefore a Jewish family adopts a child, he becomes Jewish and he is circumcised after adoption¹.

In a controversy that occurred in New Orleans in 1864, Rabbi Bernard Illowy ruled that sons of Jewish fathers and Gentile mothers should not be circumcised lest the children be mistakenly identified as Jews. Illowy had the support of leading Orthodox Rabbis in Europe for his stance, with one notable exception. Rabbi Zvi Hirsh Kalischer held in favour of the practice of circumcising non-Jewish children in general, and children of Jewish fathers in particular. Kalischer felt that Torah was intended for all humanity, and limited to the Israelites because of the condition of the nations of the world when God decided to give the Torah to human beings. Therefore, anything that can be done to enable or encourage a non-Jew to accept Torah should be done. The prospect of facing circumcision as an adult is certainly an obstacle, Kalischer felt, and therefore circumcision of a non-Jewish infant is advisable. Furthermore, Kalischer felt that the offspring of a Jewish father was to be considered "holy seed", and to circumcise the child would be to enable him to convert that much more quickly as an adult, thus rejoining the holiness of the seed to the purity of Torah. The father would be performing a *mitzvah* by facilitating his son's future conversion, and Kalischer felt that the perhaps religiously baneful influence of the mother should not be taken into account, but that we should rather do all we could to bring the child into the faith².

The increase of the number of mixed marriages among Jews created a problem concerning circumcision³. The central conference of American Rabbis held in Los Angeles in 1983 passed a resolution declaring that "the child of one Jewish parent is under the presumption of Jewish descent" and that "this presumption of the Jewish status of the offspring of any mixed marriage is to be established through appropriate and timely public and formal acts of identification with the Jewish faith and people". This means that Judaism, in some measure, is a voluntary enterprise. This resolution angered Orthodox Jews because it opened the door of Jewish identity to people who they do not consider as Jews. Yet, it should be noted that the considerations involved in this question of Jewish identity could sometimes lead in the opposite direction. So Orthodox *mohel* circumcises the child of a Jewish mother who believes in Jesus as the Messiah as a Jew remains always a Jew, but the Reform *mohel* will refuse to circumcise him, feeling that the mother's decision in the realm of belief obviated her right to hold such a ceremony. Or, to cite another instance, a Reform Rabbi was approached to officiate at the marriage of a Jewish man to a woman who, though born of a Jewish mother, was raised as a Christian. When the Reform Rabbi refused to officiate at the wedding unless the bride received formal instruction in Judaism, the couple went to an Orthodox Rabbi who agreed to perform the ceremony⁴.

An orthodox *mohel* and physician says that he refuses to circumcise a child who is not 100% Jewish in accordance with the Jewish norms⁵. He also refuses to circumcise a child of a mother converted to Judaism by a Reform or Conservative Rabbi, or through a defec-

¹ Cohen: Guide, p. 25-27.

² Barth: Berit mila, p. 184-185.

³ Ibid., p. 86-87.

⁴ Ibid., p. 69-77; 186.

⁵ Romberg: Bris Milah, p. 139-140.

tive "Orthodox" procedure¹. He wonders if the consideration of a fee blurs the *halachic* sensitivity of the rare *mohel* who engages in these unauthorized practices. The *mohel* who performs circumcision for the commandment and not for an income will rarely find it difficult to decline the opportunity to circumcise a non-Jew².

Can a *mohel* circumcise a child who is not Jewish? Some refuse it because such a circumcision is a medical act, which should be done only by a surgeon³. Let's point out finally that in France, the *mohel* asks for a written authorization of the non-Jewish father before proceeding with the circumcision of a child that had been born of a Jewish mother, in order to avoid any potential objections⁴. We will come back on this point in the legal debate⁵.

b) Day of circumcision

The Jewish circumcision must be performed on the eighth day. If it is performed on the seventh, it is not a circumcision but merely inflicting a wound, which makes the circumciser culpable⁶. The Mishnah discusses a father's case having two infants, one to be circumcised on the eve of the sabbath and one to be circumcised on the sabbath. If he forgot which was which and circumcised the one to be circumcised on the eve of the sabbath on the sabbath, he is liable. If he had one to circumcise after the sabbath and one to circumcise on the sabbath, and he forgot and on the sabbath circumcised the one to be circumcised after the sabbath, Rabbi Eliezer declares him liable to a sin offering⁷.

This problem put itself notably in the United States where one circumcises children in the hospital before their return home. Jews have their children circumcised in this way, often for economic reasons: the circumcision is covered by insurance and it costs less than ritual circumcision. The Jewish authors say that such a circumcision which takes place before the eighth day (or during the night) is invalid, and in such cases a drop of blood must be drawn, once the original circumcision has healed, to validate the circumcision⁸.

If a mother gave birth and afterward on the same day converted with the infant to Judaism, the child will be circumcised on the day of his birth. But if the mother converted and only afterward gave birth, the child is circumcised on the eighth day⁹.

The Bible insists on the duty to respect the rest of the sabbath and punishes of death those who violate this norm (Ex 31:14). But what to do if the eighth day is sabbath? Here the positive commandment (you must circumcise) overrides a negative one (you must not work the day of sabbath)¹⁰. One will proceed to the circumcision as well as all preparations therefore as to bring a utensil used for circumcision, to cut wood to make coals to prepare an iron for circumcision, to wash the child, to sharpen the nail of the *mohel* even if that day is a sabbath¹¹. It is the same if the circumcision falls the day of the forgiveness or another Jewish feast. But what if the *mohel* cannot come on the sabbath unless he rides, should the circumcision be postponed to the next day to avoid unnecessary violation of the sabbath. Klein says that only those procedures in the circumcision are permitted that cannot be done

¹ Ibid., p. 136.

² Ibid., p. 140.

³ Cohen: Guide, p. 145; Romberg: Circumcision, p. 72.

⁴ Hidioglou, p. 53.

⁵ See part 5, chapter 6.2.C.c.

⁶ Barth: Berit mila, p. 167 (Shabbat 19:4).

⁷ The Mishnah, (Shabbat 19:4), p. 202-203; The Talmud of the Land of Israel, (Shabbat 19:4), vol. 11, p. 464.

⁸ Klein: A guide, p. 425; Cohen: Guide, p. 9.

⁹ The Talmud of the Land of Israel, (Shabbat 19:5), vol. 11, p. 472.

¹⁰ Barth: Berit mila, p. 165.

¹¹ The Mishnah, (Shabbat 19:1-3), p. 202; The Talmud of the Land of Israel, (Shabbat 19:1), vol. 11, p. 449ff; (Shabbat 19:3), p. 461.

before the sabbath, and certainly the *mohel* could come to the place where the circumcision will take place before the sabbath. On the other hand, there is a need to insist on the importance of having the circumcision on the 8th day because of the growing practice of having it at other times¹.

In spite of the clarity of the biblical text, which fixes circumcision on the 8th day, Rabbis did very complex calculations to determine this day. The Mishnah says that the circumcision can take place between the 8th and the 12th day of the birth. The 8th is the usual day. But if the child was born at twilight (between sunset and the appearance of the stars), he is circumcised the 9th day. And if he was born at twilight on the eve of the sabbath, he is circumcised the 10th day (Sunday). In the case of a festival that falls after the sabbath, he will be circumcised on the 11th day (Monday). In the case of two festival days of the New Year, he will be circumcised on the 12th day (Tuesday)². This complex calculation is due to the fact that the norm of circumcision supersedes that of sabbath or festival only when it is clear that the day of circumcision is the eighth³. A *mohel* says

The laws concerning the *bris milah* of a child born at dusk, between sunset and the appearance of the stars, are complex, and it is therefore important to consult a competent Orthodox scholar in this case. If you have to call the Rabbi by telephone, you should know the exact time the baby was born (when his head emerged from the birth canal; if you see that there is going to be a problem with the time, ask your obstetrician to note this time for you), and also the official time for sunset in your city⁴.

A Child born via Caesarean operation is not circumcised on the eighth day if that day happens to be sabbath or religious feast. The circumcision is postponed till after the sabbath or the religious feast⁵.

The Talmud mentions the case of a child born at seven or eight months. Such a child should not be circumcised on sabbath. The Talmud considers him tantamount to a stone. It is therefore forbidden to handle him. But his mother coos to him and nurses him, because of the danger of life⁶.

We should note here that if circumcision is made in violation of these rules, the drawing of a drop of blood from the child's glans thereafter might validate the circumcision for faith purposes.

Circumcision should take place during hours of the day by reason of the verse: "On the eighth day the flesh of his foreskin shall be circumcised" (Lv 12:3). It is custom to conduct a circumcision in the morning, if possible right after the morning service, as an example of the family's enthusiasm to perform this *mitzvah* as early as possible. Rising early in the morning to do the will of God was a quality ascribed to the patriarchs and to the righteous⁷. If circumcision is performed during the night, it must be validated the following day by drawing a drop of blood⁸.

Why should circumcision be performed on the eighth day? The primary reason is because the Bible fixes this date. A midrash gives another reason, based on the fact that the eight-day interval makes it possible for the child to experience a sabbath prior to circumcision. It

¹ Klein: A guide, p. 425-426.

² The Mishnah, (Shabbat 19:5), p. 203.

³ Klein: A guide, p. 425.

⁴ Romberg: Bris Milah, p. 162.

⁵ Cohen: Guide, p. 20; Romberg: Bris Milah, p. 161-162.

⁶ The Talmud of Babylonia, (Shabbat 19:3 II.2.F), vol. II.E, p. 51

⁷ Barth: Berit mila, p. 6.

⁸ Ibid., p. 170; Klein: A guide, p. 425.

explains that when we pay a visit we should first greet the mistress of the home, and then direct our attention to the master. The infant is given an opportunity first to welcome the sabbath Queen before he is initiated into the company of the Master of the Universe¹.

Philo says that the Bible fixed and imposed the circumcision to the young children, "for perhaps one who is full-grown would hesitate through fear to carry out this ordinance of his own free will"². But why the 8th day? Philo gets lost in hallucinating mathematical speculations on long pages of which we mention an excerpt:

The eighth digit reveals many beauties. One is, in the first place, that it is a cube. And the second is that everywhere it contains in itself the forms of equality, because the number eight is the first which indicates length and breadth and depth, which are equal to one another. Third, the composition of eight produces agreement, namely the number thirty-six, which the Pythagoreans call "homology" since it is the first in which there is an agreement of odd with even, for the four separate odd numbers from one on, and the even ones from two on make a total of thirty-six. The odd ones are 1, 3, 5, 7, making 16 in all; add the even ones are 2, 4, 6, 8 making 20. The sum of both totals amounts to thirty-six, truly a most productive number, for it is quadrangular, having as its side the hexad, which is the first even-odd number³.

Maimonides justifies the eighth day as follows:

This law can only be kept and perpetuated in its perfection, if circumcision is performed when the child is very young, and this for three good reasons. First, if the operation were postponed till the boy had grown up, he would perhaps not submit to it. Secondly, the young child has not much pain, because the skin is tender, and the imagination weak; for grown-up persons are in dread and fear of things which they imagine as coming, some time before these actually occur. Thirdly, when a child is very young, the parents do not think much of him; because the image of the child, that leads the parents to love him, has not yet taken a firm root in their minds. That image becomes stronger by the continual sight; it grows with the development of the child, and later on the image begins again to decrease and to vanish. The parents' love for a newborn child is not so great as it is when the child is one year old; and when one year old, it is less loved by them than when six years old. The feeling and love of the father for the child would have led him to neglect the law if he were allowed to wait two or three years, whilst shortly after birth the image is very weak in the mind of the parent, especially of the father who is responsible for the execution of this commandment. The circumcision must take place on the eighth day (Lv 12:3), because all living beings are after birth, within the first seven days, very weak and exceedingly tender, as if they were still in the womb of their mother; not until the eighth day can they be counted among those that enjoy the light of the world. That this is also the case with beasts may be inferred from the words of Scripture: "Seven days shall it be under the dam" (Lv 22:27), as if it had no vitality before the end of that period. In the same manner man is circumcised after the completion of seven days. The period has been fixed, and has not been left to everybody's judgment⁴.

We will see that Christian fundamentalists tried to explain the eighth day by the medical reasons to prove the divine wisdom.

¹ Cohen: Guide, p. 49-50.

² Philo: Questions and answers on Genesis, Book III, 48.

³ Ibid., Book III, 49.

⁴ Maimonides: The Guide for the perplexed, section III, chapter 49.

c) Delaying circumcision in case of sickness or death danger

The Bible fixes the circumcision on the eighth day. But Rabbis permit delaying the circumcision if the child is sick until his recovery¹. The Talmud specifies that if the child has the fever for only one moment, the circumcision must be delayed until the 30th day. During this period, it is forbidden to feed the infant nourishment or to anoint him with oil in the status of heaven offering². Some estimate that if the child has a systemic disease, it is required to wait seven days after the child is well before having the circumcision. If it is not a systemic disease, but a minor problem, the circumcision may be performed as soon as the child is well³.

An Orthodox *mohel* says that it is necessary to postpone circumcision if the child becomes jaundiced, which occurs in about 10% of newborns, even though this may represent no illness in the strict sense of the term; even if the paediatrician insists that the baby is able to have a circumcision despite jaundice. Circumcision is also to be postponed in the presence of problems such as fever, significant change in eating habits, or other signs of illness or abnormality. The law is very clear on this point. If there is any reason to suspect danger to the child, circumcision is postponed, for "a *milah* can be performed at a later date, but the life of a Jewish child can never be restored". This *mohel* adds that this norm is not always respected. Even some Orthodox couples are sometimes inclined to depart from Jewish law and tradition in this vital area that involves the health of their child⁴. By contrast to these last, there are families who falsify illness, presenting a certificate from the physician to the *mohel*, so that they can have more time to prepare for the circumcision and to invite relations and friends⁵. Let's mention here that if circumcision is made after the eighth day, it would not be practiced on Saturday or on a religious feast day.

Rabbis noted that some families are infected by haemophilia and their sons die because of it. The question arises if a child of such a family may be circumcised because of the possibility that it may prove fatal to him. There is a disagreement among Rabbis as to how many children had to die before circumcision was to be avoided. Rabbi Abaye is of the opinion that if it is two children, then the third may not be circumcised. Rabbi Johanan is of the opinion that if three die then the fourth should not be circumcised. The children need not be from the same mother either; if the mother's sister's children died from their circumcision, then circumcision is not permitted⁶. The Talmud reports that Rabbi Nathan dealt with two cases in which a woman who had circumcised her first son and he died, so, too, the second and the third. They brought before him the fourth son, and he saw that he was ruddy. He advised to wait for him until the blood is absorbed. He then circumcised the child and he survived. They called him Nathan in honour of the Rabbi⁷.

Let's add here that the circumcision for a Jewish male can take place at an advanced age, as it is the case with the ex-Soviet Jews who come to Israel. We refer also to what we said before about circumcision of Jews who die uncircumcised⁸.

B) Slaves, converts and enemies

The Bible imposes circumcision for "the one bought with your money" (Gn 17: 12 and 13), which means slaves. They were generally circumcised soon after purchase. If a Jew buys a

¹ The Mishnah, (Shabbat 19:5), p. 203.

² The Talmud of the Land of Israel, (Shabbat 19:5), vol. 11, p. 473.

³ Cohen: Guide, p. 11.

⁴ Romberg: Bris milah, p. 91-92, 126-132.

⁵ Hidioglou, p. 51-52.

⁶ Barth: Berit mila, p. 164; Romberg: Circumcision, p. 68.

⁷ The Talmud of Babylonia, (Shabbat 15:8E), vol. II.E, p. 47.

⁸ See part 2, chapter 1, section 2.7.

slave from a gentile and did not want to circumcise him, he may postpone the matter for twelve months. If he has not circumcised him by that time, he must resell him to the gentiles¹. A slave bought on the eve of the sabbath may not be circumcised on the sabbath. Failure to do so prohibited a man from partaking of the Paschal Lamb, a grievous sin². Philo justifies the slave's circumcision "for it is right that servants imitate their masters for the sake of the necessary offices of life and service"³. Roman laws forbade Jews to circumcise their slaves, as we will see in the legal part⁴.

Circumcision was also imposed on those that wanted to adhere to the Jewish people, as we saw before. It is still the case. A modern author says that the one that wants to convert to Judaism must first learn Jewish law and to read Hebrew so that he can pray like other Jews in the synagogue and at home. Then he is circumcised. When the circumcision site has healed, he immerses himself in a ritual bath. These steps must be done in the presence of a Rabbinic court consisting of at least three men, and during the daylight hours on any day except the sabbath and/or a holiday. The conversion of a woman is similar to that of a man, except for circumcision⁵. One notes an evolution however in this domain. Whereas the Orthodox Jews continue to require circumcision, Reformed Jews don't insist and Conservatives perform it after their death⁶.

The Jews also imposed circumcision on peoples that they dominated. After the enthronement of queen Esther in Persia, "many of the Gentiles were circumcised and became Jews out of fear of the Jews" (Est 8:17). Josephus (d. 100), reporting on this fact, specifies that "many of the other nations ... from fear of the Jews, had themselves circumcised and thereby managed to avoid danger"⁷. Elsewhere, he indicates that the high priest Hyrcanus, after subduing the Idumaeans, permitted them to remain in their country so long as they had themselves circumcised and were willing to observe the laws of the Jews. And so, out of attachment to the land of their fathers, they submitted to circumcision⁸. Aristobulus imposed the same condition on the Ituraeans⁹. Josephus also reports that two nobles, subjects of king Agrippa II, smuggled out of their country their horses, arms, and money. "The Jews would have compelled them to be circumcised as a condition of residence among them. I, however, would not allow any compulsion to be put upon them, declaring that everyone should worship God in accordance with the dictate of his own conscience and not under constraint, and that these men, having fled to us for refuge, ought not to be made regret that they had done so. Having brought over the people to my way of thinking, I liberally supplied our guests with all things necessary to their customary manner of life"¹⁰. We mentioned previously a Jewish legend according to which Joseph had refused to give bread to Egyptians before they had circumcised themselves.

C) The one who is born or converts circumcised

It happens that a person "is born circumcised", which means that his glans is perfectly clear without a prepuce or mucous membrane. Since he has no prepuce, he cannot be circumcised. Talmud says that a drop of blood must be drawn of the glans¹¹. A modern author

¹ The Talmud of Babylonia, (Yebamot I.49 and 50), vol. XIII.B, p. 77-78

² Barth: Berit mila, p. 171.

³ Philo: Questions and answers on Genesis, Book III, 50.

⁴ Part 5, chapter 1.1.

⁵ Cohen: Guide, p. 33-35; Barth: Berit mila, p. 170.

⁶ Romberg: Circumcision, p. 71.

⁷ Josephus: Jewish antiquities, XI, 285.

⁸ Ibid., XIII, 257-258

⁹ Ibid., XIII, 317-318.

¹⁰ Josephus: The life, 113.

¹¹ The Talmud of the Land of Israel, (Shabbat 19:2), vol. 11, p. 459.

says that this phenomenon is academic and there have been no recorded cases of such an event. When a child appears to have been born circumcised, he actually has a prepuce but it is pressed against the membrane and cannot be distinguished. In such cases, the *mohel* examines the child carefully. Should the *mohel* be unable to find a rudimentary prepuce, the circumcision is delayed until the child becomes older and more developed. If however, a small amount of prepuce is found, the circumcision may be performed. In any way, circumcision cannot be performed on a sabbath or a holiday. During circumcision, more of the prepuce may become visible. This is usually peeled off. If it is substantiated when the child has grown older that he has no prepuce or mucous membrane, then all that need be done is to extract a drop of blood, but not on a sabbath or a holiday¹.

A ritual drawing of blood should be done on a convert to Judaism that was circumcised before his conversion, or the one that was circumcised in the hospital on a day not authorized, without the religious ritual. The same if a tool were used and there was no blood whatsoever issuing from the surface of the circumcision wound. With regard to this last case, let's remind our readers that the orthodox don't recognize the circumcision made by a non-orthodox or non-religious *mohel*. The blood is drawn from the edge of the glans with a tiny prick of a very sharp needle².

April 14, 1997, the *Tribune de Genève* published the following information:

A young Hungarian, who converted to the Judaism before emigrating in Israel, was circumcised two times before being declared Jewish. A physician had circumcised the young man in Budapest. Rabbis wanted a true circumciser who estimated: "The cut was not enough. It is to redo".

D) Hermaphrodite and the one who has two foreskins

The *Mishnah* discusses a case of one whose genitalia are doubtful or one who had both a male organ and a female organ. There was divergence among Rabbis as for to the question of circumcision of such a child on the Sabbath day³. Those who refused to violate the Sabbath for such a circumcision refer to Genesis 17:14: "the male of which one won't have cut the flesh of the foreskin". This verse means according to them that the whole of the person to be circumcised must be male, excluding the person with the sexual traits of both male and female circumcision⁴.

The *Talmud* also discusses the case of someone that has two foreskins, which probably means a person with two penises. Rabbis say that such a person must be circumcised only by day. If his time has passed, he is circumcised whether by day or by night⁵.

It also discusses the case of a person who is circumcised but did not have the inner lining torn, and the cut did not uncover the corona, since the membrane was not split and pulled down. This person is considered as if he did not receive circumcision. An infant's penis that was overgrown with flesh, as long as, when he has an erection, he appears circumcised, it is not necessary to circumcise him, but if not, it is necessary to re-circumcise him⁶. If the prepuce is drawn forward to cover up the corona, circumcision should be redone, even a hundred times if necessary⁷. This rigor on behalf of Rabbis aims to prevent the Jews from stretching the skin of the penis over the corona to reproduce a foreskin and to hide the sign

¹ Cohen: Guide, p. 18.

² Klein: A guide, p. 425, 427; Cohen: Guide, p. 9, 16, 143; Romberg: Bris Milah, p. 59-61.

³ The Mishnah, (Shabbat 19:3), p. 202.

⁴ The Talmud of the Land of Israel, (Shabbat 19:3), vol. 11, p. 463.

⁵ The Talmud of Babylonia, (Yebamot 72A), vol. XIII.C, p. 51.

⁶ Ibid., (Shabbat 19:6), vol. II.E, p. 59.

⁷ Ibid., (Yebahot 72A), vol. XIII.C, p. 49.

of the covenant, procedure of which we mentioned earlier and on which we will come back to in the last chapter of the medical debate.

2) Actors of circumcision

Circumcision is a social ceremony in which a certain number of actors participate: the circumciser, godfathers, the public as well as the Prophet Elijah for whom one installs an empty chair.

A) Circumciser

According to Jewish legends, Abraham circumcised himself or was circumcised by the bite of a scorpion¹. He circumcised himself Ishmael (Gn 17:23) and Isaac (21). Moses' son was circumcised by his mother Zipporah (Ex 4:25). As for the Jews born in the desert, they were circumcised by Joshua (Jos 5:3).

Abraham received the order to circumcise his son and his slaves. Therefore the obligation to circumcise lies with the father of a newborn boy. Should he be unable or unwilling, the obligation rests with the mother. When neither father nor mother makes the necessary arrangements, the responsibility falls upon the Rabbinic court of the community. Finally, if no one assumes the task of circumcising the child, the responsibility falls on every member of the Jewish community².

Preferably the father would execute the operation, but he can charge someone else called a *mohel* (the cutter). Some *mohels* allow the father of the child to hold the knife just prior to circumcision to signify that the commandment to perform it on his son is really his responsibility and that the *mohel* is only acting as his agent. There is a custom to leave the knife, suitably wrapped, under the pillow of the baby's mother the night before the circumcision. The meaning of this custom is not clear³.

The question of whether a woman may circumcise is subject to debate even though the Bible clearly states the Zipporah circumcised her son. In order to deny women that right, the Talmud interprets the biblical text "Zipporah took a flint and cut off her son's foreskin" (Ex 4:25) to read "she caused a flint to be taken and she caused her son's foreskin to be cut off" by either asking another man or her husband, Moses⁴. But the reformed Jews say that according to the law, a woman is eligible to be a *mohel*, but customarily only men become *mohels*. However, since there are now many female doctors, there certainly should be no objection to a woman doctor enjoying equality with a male doctor in performing circumcision⁵.

Rabbis encouraged scholars to learn three things: writing, ritual slaughtering and circumcision. And if he himself wasn't a *mohel*, then he should not live in a town where there is no *mohel*⁶. A *mohel* says that the circumciser must be God-fearing and take his Judaism seriously. If he shaves with a razor blade, drives on sabbath, or eats in non-kosher restaurants, he is not fit for the office of *mohel* and should not be used. Indeed, a circumcision he performs might be considered in the eyes of the Law no circumcision at all⁷. This *mohel* adds that it is to the community to look after the formation of circumcisers and to refuse to allow

¹ Ginzberg, vol. V, p. 233.

² Cohen: Guide, p. 6.

³ Romberg: Bris Milah, p. 48-49, 110.

⁴ Barth: Berit mila, p. 169.

⁵ Klein: A guide, p. 427.

⁶ Barth: Berit mila, p. 169.

⁷ Romberg: Bris Milah, p. 89-90.

the state become involved because this last would empty the operation of all sense and religious ritual before abolishing it¹.

It is not necessary that the *mohel* be a Rabbi, or a physician, even though some physicians are driven to practice the religious circumcision, according to Jewish ritual. Some American hospitals use *mohels* in their team to this end. The evidence suggests that a *mohel* is preferable to a physician. The latter circumcises in an operative setting and has a financial interest, whereas the *mohel* executes a religious command in the presence of and under the observation of the child's parents. He is therefore more attentive in his work². According to Klein, one can resort to a physician when no qualified *mohel* is available, but the physician must be Jewish, must know the procedure and the required prayers, and must have a reverential attitude toward the performance of circumcision. It is customary in this case to invite the Rabbi to supervise the procedure and conduct the service. When a *mohel* is available, however, the Rabbi should insist on a *mohel*³. In the absence of *mohel* or a believing Jew, it is preferable to leave the child uncircumcised rather than have the circumcision performed by one who is unqualified. If an incorrect circumcision takes place, drawing a drop of blood will correct the circumcision, and this should be done⁴. The *Talmud* specifies that an uncircumcised Israelite may not perform the rite of circumcision unless he will first circumcise himself, and, it is hardly necessary to say, the same applies to an uncircumcised gentile. It adds that an Israelite may circumcise a Samaritan, but a Samaritan may not circumcise an Israelite⁵.

From our evidence, one may deduce that circumcision by a physician in a hospital without the religious conditions followed is not valid from the Jewish viewpoint. Rosemary Romberg reports that a physician circumcised a Jewish child without his family's consent. The family had made arrangements to have a circumcision ceremony for the child, but the *mohel*, upon finding that the child had already been medically circumcised, refused to perform the ritual⁶. In 1958, a Philadelphia Jewish mother threatened to commit suicide upon learning that her son had been circumcised by a physician instead of ritually⁷. But as one cannot prevent physicians from practicing circumcision if the Jewish parents agree, an orthodox *mohel* proposes that the Board of Rabbis, or traditionally minded physicians, or an interested and motivated housewife should write a letter to all the physicians in town, both Jewish and non-Jewish. The text of the letter he proposes indicates the conditions to perform a valid Jewish circumcision, telling them that religious circumcision "should be performed by a *mohel*, a man who has been especially trained and certified in the techniques, laws and customs of ritual circumcision". The letter "earnestly implores" physicians to suggest to their Jewish patients that they give their new son a proper religious circumcision⁸.

B) Godfathers

Circumcision as ordered by the *Bible* is a domestic act that takes place in presence of family's members. Thereafter, it became a social affair performed in local assemblies where people met to celebrate Sabbaths, feasts and the domestic events; such as marriages, births

¹ Ibid., p. 38.

² Romberg: Circumcision, p. 52-53.

³ Klein: A guide, p. 427.

⁴ Cohen: Guide, p. 16 and 143; Klein: A guide, p. 427.

⁵ The Talmud of the Land of Israel, (Shabbat 19:2), vol. 11, p. 459.

⁶ Romberg: Circumcision, p. 118.

⁷ Wallerstein: Circumcision: an American health fallacy, p. 156.

⁸ Romberg: Bris Milah, p. 154-155.

and deaths. These assemblies were opened to all, religious and seculars, with the exception of women, slaves and minors¹.

Thereafter, circumcision was transferred to the synagogue. This institution didn't have a religious role then. And so the presence of women was permitted during circumcision. But as soon as the synagogue became religious, and under rabbi domination, women were excluded. Samson Ben Tzadok, a German Rabbi who died around 1285, wrote that every man who fears the word of God is obliged to walk out of a synagogue if a child is circumcised on his mother's laps, even if circumcision is performed by the mother's husband, son or father. He quotes the Talmud, which says: "It is better to walk behind a lion than behind a woman". He mentions also Samuel's word that says: "Surely, to obey is better than sacrifice" (I S 15:22). He indicates that the Temple had a separate courtyard just for women, so they do not excite priests².

Rabbis prescribed in the Middle Ages that the mother doesn't have the right to bring her child to the synagogue to be circumcised. This task was confided to another woman called *ba'lat berit* (servant of the covenant), who doesn't enter the synagogue, but leaves the child with a man called *ba'l berit* (server of the covenant). It is this last who carries the child awaiting circumcision, in his father's absence. This person had in the 11th century the title of *sandak*, which seems to be inspired by the godfather in Christian baptisms. The *sandak* has been considered superior to the circumciser. His role was compared to offering God a sacrifice. His knees are likened to an altar as if he were offering incense to heaven. In fact, he was introduced to separate a child from his mother, admitted to the synagogue to participate in the circumcision only since the 16th century, but without being allowed to have the child on her knees during the ceremony³.

In this respect, women in Judaism are separated from men in religious rituals. They are admitted as Rabbi, circumciser and *sandak* only in our time, among reformed Jews⁴. In our time, circumcision is often performed in the house or hospital. Nevertheless, the Jewish norms marginalizing the mother remain in force, even now: she cannot carry the child during circumcision. An orthodox *mohel* says there are seven persons who play a role in circumcision, besides the circumciser:

- 1) The godmother, who brings the baby from mother (who may wish to remain in another room during the circumcision) to the door of the room where the circumcision is to be performed.
- 2) The godfather, who brings him from the godmother
- 3) The one who will place him on the chair of Elijah.
- 4) The one who removes the child from the chair and hands him to the father.
- 5) The *sandak* who receives the child from the father and holds him during the circumcision itself.
- 6) The one who carries the child after the circumcision.
- 7) The one who says the blessing and the liturgy portion giving to the child his Jewish name.

¹ Hoffman, p. 58-63, 136-144, 195.

² Ibid., p. 196-197.

³ Ibid., p. 136-144, 190-207.

⁴ Ibid., p. 136-144.

One notes that only the first role is held by a woman, who is not the mother. This *mohel* suggests even that the mother "may wish to remain in another room during the circumcision". He adds: "needless to say, all participants in a circumcision must be Jewish"¹.

C) Public

Circumcision can be accomplished with very few people in attendance. The only people required are the *mohel* and the *sandak*. This can be reduced further to only one person, the *mohel*. But when it is possible to perform the rite elaborately, this should be done, because it does honour to the Jewish faith and the Prophet Elijah. The presence of a quorum of ten persons over the age of thirteen is recommended, but less than ten males will suffice. Among the Reformers these ten can be men and/or women².

A belief exists among the Jews that participation in a circumcision ceremony is a remedy against sterility. Of this fact, some *mohels* bring with them a couple that doesn't have a child, without even warning the family. This situation sometimes creates a hindrance³.

D) The Prophet Elijah

During the circumcision ceremony one prepares a chair for the *sandak*, and another remains empty, on which Elijah is supposed to sit down. Sometimes a bench with two places, one for the *sandak*, and the other for the Prophet Elijah replaces the two chairs. The chair and the bench are sometimes decorated with this writing: "This is the chair of the Prophet Elijah, remembered for good". This tradition is mentioned in a midrashic collection from the 9th century⁴.

The Jews believe indeed that the Prophet Elijah attends all circumcisions. This belief evokes I K 19:9-10 mentioned before according to which Elijah complained about the Jews who abandoned circumcision. A Jewish legend says that God got angry against Elijah and answered him: "By your life, wherever my children make this holy mark in their flesh, you will be present there; and the mouth that testified that Israel had forsaken this covenant will testify in the future that Israel has fulfilled it". The legend adds that when a man brings his son into the covenant of circumcision, God calls to his retinue and says: "See what my son is doing in the world". At that very moment Elijah is summoned and flies four times through the world and is present there. He then ascends and testifies to God that circumcision was performed⁵.

This legend recalls a passage of the Prophet Malachi that says: "See, I am sending my messenger to prepare the way before me, and the Lord whom you seek will suddenly come to his temple. The messenger of the covenant in whom you delight – indeed, he is coming, says the Lord of hosts" (Mal 3:1). According to the Jewish belief, Elijah would be this Angel of the covenant who precedes the arrival of the Messiah. The covenant here means the circumcision. Some also associate Elijah with circumcision, considering him protector of children. It is a reference to the recovery by Elijah of a widow's child who died in his presence (I K 17:17-24).

A *mohel* says that he places a note on the chair of Elijah requesting that people do not use this chair or move it for three days – according to custom. Jewish Algerians in France have the custom of putting a bottle of water under the chair, that they later give to sterile women or to those who only give birth to girls, as a beverage remedy⁶.

¹ Ibid., p. 99-101.

² Cohen: Guide, p. 39-40; Barth: Berit mila, p. 6-7.

³ Hidirolou, p. 77-78.

⁴ Hoffman, p. 73.

⁵ Tishby, vol. III, p. 1178.

⁶ Hidirolou, p. 83.

3) Modes of circumcision

A) Spiritual and material preparation

As has been noted, circumcision is not simple surgical operation. It is the sign of a covenant between the Jews and God. Because of this fact, it is accompanied by pious ceremonies and customs.

One of these ceremonies, called *shalom zakor* (salute to the recall), takes place the Friday night that precedes circumcision or comes after the birth. This ceremony is based on the belief that every child while *in utero* is taught the entire *Torah* by an angel. When he is about to be born, he is made to forget this learning. A *mohel* says that one of his close friends knows of a child, born in Israel, who somehow did not forget his learning at the time of his birth; when he learned to talk, he was actually found to know the entire *Torah*. Such an occurrence caused considerable consternation among his family, and they sought the advice of their Rabbi, who thereupon prayed that the boy should forget this learning so that he might grow great in *Torah* the normal way, through struggle and work. During the ceremony *shalom zakor*, as well during the meal served to mourners when they return from the cemetery, Jews eat chickpeas. The rationale is that just as the chickpea has no mouth (its circumference is seamless, unlike many other legumes), so is death silent. To eat chickpeas before circumcision is a way to mourn the loss of the *Torah* by the child¹.

There is also a Jewish belief according to which evil spirits, among whom the first woman of Adam called Lilith, prowl around the child to destroy it. These spirits try to lose the man's semen and to strangle the male children during their first eight days (i.e., until circumcision), and girls until their 20th day (perhaps a reminiscence of an earlier initiatory rite for girls). Circumcision comes to put a term thus to the threat of these evil spirits that disappear at the sight of blood. In order to protect the uncircumcised child, the Jews make vigils around him while reading the *Bible* and praying. The night before circumcision is held to be the most dangerous for the male child. They also resort to talismans. Some set up tables with food so that the evil spirits prefer to eat instead of attacking the child. The Yemeni Jews don't let the woman and her child alone during the night that precedes circumcision and burn incense in their room as a protection against these spirits².

Tunisian Jews hang objects such as fish tails or the hand of Fatima, to protect the child against the evil eye. "If the young circumcised is sick, it is one of women who is accused of being responsible. Also, this one hurries to use what passes for an excellent condom of the evil eye and consist in dampening of her own saliva the kid's face; some gossips judge that it is again better to spit him in the mouth... and don't miss to make it"³.

Jews surround circumcision with festivities and joy, in application of the verse: "The Lord is my strength and my might, and he has become my salvation; this is my God, and I will praise him, my father's God, and I will exalt him" (Ex 15:2). It is shown in the instruments of the circumcision, dresses of the child and the meal that follows⁴. One lights candles during the ceremony, which would be a reference to the verse: "The commandment is a lamp and the teaching a light" (Pr 6:23). Some light 13 candles, according to the number of times that the chapter 17 of Genesis uses the word circumcision or the number of Jacob's

¹ Romberg: *Bris Milah*, p. 96-97.

² Trachtenberg, p. 37, 42, 48, 106, 157, 166, 170-172; Lewis: *In the name of humanity*, p. 61-63; *Circumcision*, *Encyclopaedia judaica*, col. 576; Lilith, *Encyclopaedia judaica*; Romberg: *Circumcision*, p. 37-38.

³ Loi: *La circoncision*, p. 61.

⁴ Barth: *Berit mila*, p. 16-17.

twelve sons to whom one adds the child. Some think that these candles aim to move away the evils spirits¹.

The *mohel* participates with the family in the spiritual and material preparation of the circumcision. According to a Jewish author, the *mohel* should consider himself as the agent through which this family can observe God's command to welcome their newborn son into the covenant through the act of circumcision. He must meet the child's parents, teach them the meaning of the circumcision, and he must teach them and their guests the Jewish principles².

A *mohel* advises the parents to call the *mohel* within a day or two of the child's birth, so he can plan ahead and schedule his time most effectively. He will need to schedule a visit to the baby's home a day or two before the circumcision. He asks about the health of the child and tries to ascertain whether the child is really Jewish. He discusses with the parents the various honours which will be given to friends and family during the ceremony: Who will bring the boy into the room, who will hold him during the circumcision, who will hold him during the naming ceremony, and so forth. He reminds the parents that they will have to choose a Hebrew name for the child, prepare some medical means, a bottle of wine which is kosher and prepare for the meal which follows the ceremony.

This *mohel* says that on the morning of the circumcision he gets up very early, drives to the community's ritual bath and immerses himself, proceeds to the morning prayer with the group participating in the circumcision. Then he goes directly to the house where the circumcision will occur, without having his breakfast, unless the circumcision is scheduled for the afternoon. A few minutes before the circumcision, he visits the baby one last time, to prepare him for the surgery by gently probing under the foreskin with a lubricated silver probe in the presence of the father or mother. Then he spends a few moments with the child's father reviewing the blessing he will say during the ceremony right after the foreskin is removed. He asks that the godmother brings the child to the entrance of the room where the circumcision will be performed and hand him to the godfather, who then brings him to the *mohel*. Everyone stands up and says: *Baruch ha-ba*: blessed is he who comes³.

B) Stages of circumcision

The Bible says: "You shall circumcise the flesh of your foreskins" (Gn 17:11). But it doesn't specify the quantity of skin to cut.

Hoffman, a Jewish author, estimates that the covenant between God and Abraham is not a *berit milah* (covenant of cut) but a *berit damim* (covenant of blood). This is the title he gives to his book⁴. What is important, according to him, is not to cut, but to draw a drop of blood. It means that Abraham's circumcision differs completely from what we know. This author explains that blood is considered a sign of salvation.

- Until today, it is a legal requirement to draw blood even from the penis of a child born circumcised and from converts to Judaism who have already undergone circumcision as non-Jews.
- Blood is present in the history of the exit of the Jews of Egypt. God asked them to mark their door with the blood of the sacrifice in order to distinguish them from the houses of the non-Jews (Ex 12:7-13 and 22-23).

¹ Trachtenberg, p. 170-171.

² Barth: *Berit mila*, p. 5 and 35-46.

³ Romberg: *Bris Milah*, p. 89-107.

⁴ Hoffman.

- According to a legend, the day the Jews left Egypt, all of them, from the old to the young, were circumcised, as Bible says: "all the people who came out had been circumcised" (Jos 5:5). They took the blood of their circumcision and the blood of the paschal lamb and put it on the doorposts of their homes. When God passed by to smite the Egyptians, he saw the circumcision blood and the paschal lamb's blood, and was filled with compassion for Israel, as it is written: "By your blood, live, by your blood, live" (Ez 16:6). And Rabbis have modified this sentence as follows: "in your blood live". The Rabbis thus read Ezekiel as guaranteeing that Israel lives by virtue of its blood that is shed in covenant.
- Exodus reports that after reading the book of the covenant, "Moses took the blood and dashed it on the people, and said: See the blood of the covenant that the Lord has made with you in accordance with all these words" (Ex 24:8).
- Pirkei deRabbi Eliezer, a rabbinic exegesis from the 9th century, says that Abraham was circumcised on Yom Kippur. Every year on that day, God looks at the blood of Abraham's circumcision, which atones for the Jews' sins¹.

This new theory of Hoffman around the circumcision could be the echo of the Jewish opposition developed in the United States against this institution. Some Jews estimate indeed that it would be necessary to pass from the bloody circumcision to the non-bloody circumcision, as we will see it in the following sub-section.

If this theory of the covenant of blood is exact, one doesn't know how it was replaced by the covenant of the cutting of the foreskin. But what one knows for certain is that there was a hardening on behalf of Rabbis, who were not satisfied with the cutting of the foreskin and required also to cut the inner lining. And if the foreskin covers the corona again, either because it grows up or was pulled over the glans, it should be again circumcised, even a hundred times if necessary². This hardening took place toward the year 140 after Christ³ to face a Jewish movement trying to redo the foreskin by stretching skin above of the glans in order to hide the sign of the covenant. Rabbis tried then to cut the maximum of the skin of the penis in order to make the restoration of the foreskin more difficult. They justified this practice by invoking Genesis 17:13 that repeats the word circumcision (in Hebrew: *hamol yemol yeled*) as well as exodus 4:26 that uses the plural form of the term circumcision (in Hebrew: *khatan damim li-molot*)⁴. The reality is that it is about a modification of the original form of circumcision that consisted in cutting the top of the skin that passed the corona.

One can say therefore that the circumcision, according to Hoffman's theory, consisted in drawing a drop of blood. Then, it became a removal of the tip of the infant male foreskin (*milah*, or *shituch*). Finally, it turned into ablation of the foreskin and the mucous membrane (inner lining) of the foreskin (*periah*). To practice the *periah*, the *mohel* sharpens the nails of the thumbs and the index fingers of both hands in the shape of an arrow. Having cut the skin that passes the glans with a knife or scissors, the *mohel* extricates the skin of the penis behind the glans, holds the skin between the cut and the glans by the thumb and the index finger of both hands and pulls it with his nails. This practice has been criticized because often nails of the *mohel* hide microbes that infect children. One advises the *mohel* to resort to scissors for this operation. But some Jewish authors continue to defend this ancestral practice: "circumcisers can feel much more sensitively and surely with their thumbnails, knowing just when to stop tearing, than they could with a knife or pair of scis-

¹ Ibid., p. 100-104.

² The Talmud of Babylonia, (Yebamot 72A), vol. XIII.C, p. 51, and Shabbat 19:6), vol. I.I.E, p. 59.

³ Bigelow: The joy, p. 55-56.

⁴ The Talmud of the Land of Israel, (Shabbat19:2), vol. 11, p. 458.

sors"¹. Let's emphasize in this respect that the Jewish Karaites² and Samaritans³ don't know the practice of the *periah*. This proves that this practice is a later Rabbinical invention.

To these last stages, Rabbis added in the period of the *Mishnah* (between 70 and 200) a third stage, so-called *mezizah*. After having accomplished the ablation, the Rabbi puts a little wine in his mouth, bends toward the child and takes the child's gory penis in his mouth, sucks the blood and throws it in a cup. He repeats this procedure several times. This procedure, supposedly to disinfect the injury, produced the contrary effect, often provoking epidemics among the Jewish European country children. Thousands of children would have died because of this practice⁴. Between the years 1805 and 1866 it caused eight epidemics of syphilis. One counted about hundred cases in Krakow in 1833. And when in 1837 a Viennese Jewish Hospital had come across a case of general infection following a circumcision, its director contacted the famous Rabbi Moses Schreiber (known as Chasam Sofer) to ask his advice. He made the following religious decision:

The *mezizah* was important and inviolable only for cabalists, because they adhere to the concept of *mamtik ha-din* (the law is sweetened by mouth and lips). But we are not cabalists, and consequently have nothing to do with such considerations; we know definitely that the *mezizah* is only a hygienic precaution. We decide that a child that has only had the *milah* (the cut) and *periah* without *mezizah* performed, should be considered circumcised. If however only the *milah* has been performed, but the *periah* omitted, then such a child, according to the Talmud, is uncircumcised. If, on the other hand, *mezizah* has not been performed upon it, it is at least to be considered circumcised, but such a *mohel* shall hereafter be denied the practice of circumcision, because he has omitted a hygienic measure. If it has been decided by a competent physician that the *mezizah* would bring about detrimental consequences for the child, then he may and should replace this manipulation with some other measure that will serve the same purpose⁵.

Thus, to avoid infections, one ends up accepting the idea that the *mohel* can resort to tubes or other means to suck and to dry the blood of the wound. In spite of it, an American orthodox *mohel* continues to defend the suction by the mouth. He says:

The traditional practice of *mezizah* [by the mouth], which has its roots in the earliest history of the Jewish people and has survived unchanged to the present time, should be reviewed with great respect. It is spoken of very positively in the Jewish literature on circumcision both as an essential part of the ritual and as a health measure which prevents infection and promotes healing⁶.

The *mezizah* by the mouth is still practiced by some *mohels*. The modern authors advise them to rinse their mouth carefully with alcohol. In Israel, the Sephardic Rabbi Bakshi-Doron permitted *mohels* to suck the blood during circumcision by using a tube with gauze. This alteration of the *mezizah* came about because some *mohels* feared that they might contract AIDS from AIDS-infected babies and not because of concern that *mohels* might contaminate the babies⁷.

¹ Romberg: Circumcision, p. 44.

² Semi: La circoncisione nel caraismo, p. 72.

³ Meeting with a Samaritan Kahin in October 1999.

⁴ Zoossmann-Diskin; Blustein: p. 344.

⁵ Bryk, p. 55-56.

⁶ Romberg: Bris Milah, p. 57-58.

⁷ Zoossmann-Diskin; Blustein: p. 344.

C) Destiny of the foreskin

The amputated foreskin is put on the sand in evocation of the promise of Jehovah to make Abraham exceedingly fruitful (Gn 17:6) and his "offspring as numerous as the stars of heaven and as the sand that is on the seashore" (Gn 22:17). A Babylonian Jewish text of the 9th century says that the bloody foreskin was placed in a bowl containing water and spices, and each member of the congregation, as he left the synagogue where the rite used to be performed, would bathe his hands and face. The circumcision on water would evoke the verse: "I bathed you with water and washed off the blood from you" (Ez 16:9). In Palestine the custom is to circumcise on the earth in evocation of the verse: "As for you also, because of the blood of my covenant with you, I will set your prisoners free from the waterless pit" (Za 9:11)¹.

In certain Jewish communities, the Rabbi dries foreskins that he has cut and keeps them until his death, so that they are buried with him to drive away from him every demon and destroyer. There are beliefs according to which the mouth of the circumciser that sucked the child's circumcised penis won't undergo deterioration. Among the Jews of Tripoli in Libya, the foreskin is put in an egg that a sterile woman swallows hoping thus to have children. Some put the foreskin in a non-circumcised child's mouth in order to move away the evil spirits. Others burn it while considering it like a sacrifice². The Bible reports in several places the custom of immolating and burning the sacrifice. It is sufficient to mention here that Abraham had decided to immolate his son and to offer him in holocaust to Jehovah before the angel intervenes to dissuade him (Gn 22:1-8, 12). We will see later that the foreskin became in our time an object of sale for grafts, cosmetic products or experiments in laboratories.

4) Ritual of the circumcision

A) Introduction

The Bible doesn't foresee any religious ritual associated with circumcision. But modern Jewish authors insist on such a ritual that expresses the intention to accomplish the divine command. It is a condition of validity for circumcision. Without such a ritual and such an intention, it is necessary to validate circumcision by drawing a drop of blood from the child's glans³.

The ritual that we translate in the following point was established after the 1st century. It is a mixture of biblical verses and prayers accumulated through centuries that are not easy to understand. And whereas prayers in Western synagogues are recited in Hebrew mixed with local languages, the ritual of the circumcision is exclusively in Hebrew without any translation being provided for the participants. Therefore, few people understand the meaning of it. Some modern books on circumcision produce this ritual however in Hebrew with a more or less faithful translation⁴. Let's point out here that the Jews sanctify their language and consider it as the language God spoke to Moses⁵. The link between prayer and a specific language was until very recently seen in the Catholic Church that used Latin in Mass. Likewise, the use of Arabic is obligatory in Muslim prayers whose majority often doesn't understand it. Muslims believe that the Arabic is the language with which God revealed the Koran to Muhammad and the one that will be used in paradise.

¹ Hoffman, p. 106; Trachtenberg, p. 170.

² See Trachtenberg, p. 154, 170; Romberg: Circumcision, p. 45; Lewis: In the name of humanity, p. 63; Maertens, p. 58-59.

³ Barth: Berit mila, p. 11; Romberg: Circumcision, p. 70-71.

⁴ Hoffman, p. 68-69.

⁵ Ginzberg, vol. III, p. 87.

We give here an English translation with some commentary based on two English-speaking Jewish authors¹, but we changed the Bible quotations using the New Revised Standard Version. We indicate the biblical references inside the text so that the reader may realize how Rabbis proceeded to compose this ritual.

When twins are to be circumcised, each child is treated individually. The blessings are recited separately for each child. It is however permissible to say the blessings once and to include both children. In such cases, the blessings are recited in the plural form. Since both procedures are correct, each community should follow its established custom. A community that does not have an established custom would be advised to have each circumcision performed separately².

B) Translation

When the child is brought in the room to be circumcised, all present stand up and say aloud:

Barouch ha-ba.

It means: blessed is the one who comes. This salute of welcome is inspired by the verse: "Blessed is the one who comes in the name of the Lord" (Ps 118:26). It has been repeated by the crowd that welcomed Jesus when he entered Jerusalem before his passion (Mt 21:9). It is not addressed to the child but to the Prophet Elijah that those present imagine entering to participate in the circumcision.

All present must remain standing until the end of the ceremony. It would evoke the biblical passage: "The king stood by the pillar and made a covenant before the Lord, to follow the Lord, keeping his commandments, his decrees, and his statutes, with all his heart and all his soul, to perform the words of this covenant that were written in this book. All the people joined in the covenant" (II K 23:3).

If the *mohel* is not the father, the father can declare that he delegates to the circumciser the power to circumcise his son and entrusts the knife to him. The father and the mother can say this declaration among the Reformed. The *mohel* takes the infant from the one who brought him in, and joyfully says:

The holy One, blessed be He, said to Abraham: "Walk before me, and be blameless" (Gn 17:1). I am ready and willing to perform the positive commandment that the Creator, blessed be He, gave us to perform circumcision.

If the father himself performs the circumcision, he says:

I am ready and willing to perform the positive commandment that the Creator, blessed be He, commanded: to circumcise my son, as it is written in the Torah: "every male among you shall be circumcised when he is eight days old" (Gn 17:12).

At the reformed Jews, the father and the mother can read this last text. The *mohel* places the infant upon the chair set aside for the Prophet Elijah and says:

This is the chair of the Prophet Elijah, remembered for good. "I wait for your salvation, O Lord" (Gn 49:18). "I hope for your salvation, O Lord, and I fulfil your commandments" (Ps 119:166). "I wait for your salvation, O Lord. "I rejoice at your word like one who finds great spoil" (Ps 119:162). "Great peace have those who love your law; nothing can make them stumble" (Ps 119:165). "Happy are those whom you choose and bring near to live in your courts" (Ps 65:5). That one lives in your courts.

The present respond:

¹ Hoffman, p. 69-74; Barth: Berit mila, p. 6-9.

² Cohen: Guide, p. 43.

"We shall be satisfied with the goodness of your house, your holy temple" (Ps 65:5).

The *mohel* places the infant upon the lap of the *sandak* and says the following benediction before performing the operation:

Be blessed Lord our God, king of the world, who sanctified us by your commands and prescribed us the circumcision.

The *mohel* then performs the incision which separates the foreskin, and the peeling away of the foreskin, so as to uncover the glans. Between the two procedures, the father, or the *sandak* if there is no father, says:

Be blessed Lord our God, king of the Universe, who has sanctified us by his commandments, and commanded us to admit this child to the covenant of Abraham our father.

The present respond:

As he has entered the covenant, so may he enter Torah, marriage and good deeds.

After uncovering the glans and cauterizing the wound, the *mohel* takes a cup of wine and says:

Be blessed Lord our God, king of the universe, who created fruit of the wine. Be blessed Lord our God, king of the universe, who sanctified your beloved [Abraham] from the womb, and set a statute in his flesh, and stamped his descendants with the sign of the holy covenant. Therefore, as a reward for this, O Living God, our Portion and our Rock, command that the beloved of our flesh be delivered from the pit, for the sake of the covenant of Abraham you set in our flesh. Be blessed Lord, who makes a covenant. Our God and God of our fathers, sustain this child to his father and to his mother, and let his name in Israel be (so-and-so, son of so-and-so, his father). Let the father rejoice in what has come forth from his loins, and let the mother be happy with the fruit of her womb, as it is written: "Let your father and mother be glad; let her who bore you rejoice" (Pr 23:25), and as it is written: "I passed by you, and saw you flailing about in your blood. As you lay in your blood, I said to you: in your blood live; I said to you: in your blood live!" (Ez 16:6).

The *mohel* now performs *mezizah* as we described before. He puts some wine on the child's mouth with his finger and passes the remaining wine to his mother so that she drinks it. At the reformed, wine is drunk by the father and the mother. The *mohel* says:

"He is mindful of his covenant forever, of the word that he commanded, for a thousand generations, the covenant that he made with Abraham, his sworn promise to Isaac" (Ps 105:8-9). It is written: "Abraham circumcised his son Isaac when he was eight days old, as God had commanded him" (Gn 21:4). "O give thanks to the Lord, for he is good; his steadfast love endures forever!" (Ps 118:1). May this little child grow up. Just as he has entered the covenant, so may he enter Torah, marriage and good deeds.

Then the *mohel* stands up and says:

Master of the universe, may it be your will that this be considered by you, and thus accepted as according to your will, as if I had sacrificed him before your throne of glory. In your great mercy, send forth by means of your holy angels a holy and pure soul to (so-and-so) who was just now circumcised to your great name; and let his heart be open as wide as the opening of the hall leading to the interior of the Temple, open to your holy Torah, to learn and to teach, to observe and to do. May the One who blessed Abraham, Isaac and Jacob bless this tender child who has been circumcised, and bring him complete healing, and may his father be worthy of the merit of raising him to Torah, to marriage, and to good deeds, and let us say Amen.

Those present respond:

On us also.

Before returning the child to the crib, one can read the following prayer:

"The Lord bless you and keep you; the Lord make his face to shine upon you, and be gracious to you; the Lord lift up his countenance upon you, and give you peace" (Nb 6:24-26).

Then one can recite a paragraph of the Psalm 119 that corresponds to the child's name. This Psalm is divided in paragraphs according to the Hebrew alphabet. Parents explain to those present the meaning of the name given to the child.

A *mohel* says that in the case of circumcision of an adult, the blessing must be recited after having covered his genitalia since it is not halachically appropriate to say a blessing in the presence of the exposed private parts of an adult or even an older child¹.

C) Two remarks on the ritual

A) Child's nomination

During the circumcision ceremony the child receives a Hebrew name in evocation of the change of Abram's name into Abraham (Gn 17:5). We find this practice in the nomination of John the Baptist (Lk 1:59-60) and of Jesus (Lk 2:21) the day of their circumcision. One however also notices so in the Bible the nomination of the newborn on the day of his birth². When a child requires a prolonged delay until he is circumcised, the naming may take place prior to circumcision. But the prevailing custom is to wait for the naming until the circumcision³. If he dies before the eighth day, he is circumcised and named before burying him to perpetuate his memory, so that mercy should be shown him from Heaven and he may thus be included in the Resurrection of the Dead, and so that he may have sufficient understanding to recognize his parents in the Time-to-Come⁴.

The Jew often carries two names: one indicated in the State's register, for external use, and the other, a Jewish name, for ritual use and inside the family. In the day of circumcision, the boy receives his Hebrew name added to his father's Hebrew name: Joseph son of Abraham. If the father is not Jew, the boy's name is added to his Jewish mother's name: Joseph son of Rebecca. A girl receives her Jewish name within a week of her birth, at the synagogue, where the parents usually give a small party after the services⁵.

B) To enter Torah, marriage and good deeds

These three wishes are repeated three times in the ceremony of the circumcision. They correspond to duties that the father must accomplish towards his son. According to a religious opinion, these duties are six: circumcise him, redeem him (if he is a firstborn), teach him the Torah, teach him a trade, marry him off, and teach him how to swim⁶.

The good deeds' wish has been added to the ceremony in answer to the debate between Jews and Christians. Indeed Paul, as one will see, suppressed the obligatory character of circumcision and replaced it by the faith in Jesus. He writes: "A person is justified not by the works of the law but through faith in Jesus Christ [...], for if justification comes through the law, then Christ died for nothing" (Ga 2:16, 21). He also affirms: "The promise that he would inherit the world did not come to Abraham or to his descendants through the law but

¹ Romberg: *Bris Milah*, p. 63.

² Gn 4:1; 21:3; 25:25-26.

³ Cohen: *Guide*, p. 8.

⁴ Romberg: *Bris Milah*, p. 148.

⁵ *Ibid.*, p. 100-101, 147.

⁶ Hoffman, p. 79-83.

through the righteousness of faith" (Rm 4:13). To answer to this attack, the Jews added in the ceremony of the circumcision the good deeds' wish¹.

Sub-section 2.

Non-bloody circumcision

1) Maintenance of the ritual and suppression of the operation

Even though opponents see in the male circumcision a bloody and barbarian operation, they recognize that it is not possible to expunge it completely by reason of the social aspects that it includes: meeting of the family, feast, exchange of gifts, commemoration of the unity of people or destiny. These positive aspects contributed to the persistence of circumcision. For this reason, opponents try to protect these positive, social aspects, while fighting its bloody and painful aspect for the child.

To this end, opponents created rituals called *berit shalom* (covenant of peace, or covenant of integrity) that don't include an ablation. In these alternative non-bloody rituals, the child enters into Abraham's covenant and is admitted by the Jewish community. Certainly, the majority of Jews currently reject these rituals. But opponents respond that 80% of circumcisions made in the United States don't fill the religious conditions since they are not made by a *mohel*, are not performed on the eighth day and are not accompanied by prayers. Therefore, it is better not to insist too much on the operation itself. They add that the non-bloody ritual is a better guarantee than the bloody ritual for the safeguard of the religious and national unity of the Jews. Besides, it has the advantage of establishing ritual equality between boys and girls. We give here two models of non-bloody rituals.

2) First model of non-bloody ritual

Ronald Goldman, an opponent to male circumcision, has established this model².

Father:

Blessed are those who come in peace!

Leader:

The holy One, praised be he, said to our father Abraham: "Walk before me, and be blameless" (Gn 17:1). We find ourselves in a new time, in an age where new laws governing the relationship of Mankind to God and Nature are at work. We thank you, our Lord, for bestowing on us the understanding of these new relationships and for allowing us the growth that has brought us this understanding and your presence. In this closeness to you we have gained complete trust in your word, and faith in the perfection of your works. You have shown us wonders upon wonders and we are ready to accept your works in their utter perfection.

Other: (Candles are lit and blessed).

Father:

Blessed art thou, o Lord our God, King of the Universe, who hast commanded us to introduce our sons into your covenant. Blessed art thou, o Lord our God, King of the Universe, who hast granted us life and sustenance and permitted us to reach this season.

Leader:

¹ Ibid., p. 111-118.

² Goldman: Questioning circumcision, appendix, sample alternative rituals (without pagination)

As he has been introduced into your covenant, so may he be introduced into light, love and happiness.

Leader: (blesses and drinks wine).

Other: (Puts drop of wine in baby's mouth with finger).

Leader:

Blessed be God who hast honoured us by sending this child to bless our home and family. We in turn honour this child by bestowing on him the name... May he live a life full of happiness and wisdom. May he be blessed to live the whole of his life in the light of your presence. May his life be full of grace and glory.

Mother:

In the spirit of this ceremony of *Brit shalom*, covenant of peace, we ask you to turn to the person on either side of you and offer a handshake of peace. Peace be with you.

Leader:

May the Lord bless us and keep us; may he make his countenance to shine upon us, and be gracious unto us. May the Lord turn his face unto us and give us peace. Amen.

Assembled:

Amen. Mazal Tov!

3) Second model of non-bloody ritual

This ritual, traced on the traditional model, is adapted by Norm Cohen, himself son of a Rabbi¹. A group of invited family and friends assemble at the parents' home for the occasion. The honoured participants, in order of appearance:

- The Jewish Leader (*Chazzan*) of this ceremony.
- An honoured guest (*Sandak*): often he is the grandfather or sometimes the father, a patron of the child.
- The mother and father.
- Godfather (*Kvatter*): passes the baby from the godmother to the *Sandak*.
- Godmother (*Kvatterin*): carries the baby into the room.
- The baby boy, on his eighth day of life.

The participants stand by in a separate room. Family and friends wait in the main room for the participants to appear. An empty chair is provided as a symbol for the presence of the Prophet Elijah. A cup of wine is poured.

The Leader enters the room by himself and begins with the following passage from Genesis 22:10:

Abraham stretched forth his hand and took a knife. And the angel of the Lord called to him out of heaven, and said: 'Abraham, Abraham!' And Abraham said: 'Here am I'. And the angel said: 'Lay not your hand upon the lad nor do anything to him'.

A procession of the other honoured participants begins. The baby is brought in last. All rise and say:

Barouch ha-ba! Blessed is the one who has come!

The Leader says:

¹ Text on Internet: www.cirp.org/pages/cultural/bris_shalom.html.

Barouch ha-ba! Blessed is the one who has come for the Covenant on the eighth day! Blessed are You the Lord, our God, Creator of the Universe, who has sanctified us with Your commandments. We assemble now to welcome this newborn into Your Covenant and into the community of Israel.

Each of the parents then says:

Blessed are You the Lord, our God, Creator of the Universe, who has granted us life and sustained us and permitted us to reach this season! Blessed are You the Lord, our God, Creator of the Universe, who has commanded us to welcome our son into Your Covenant. This child, created in Your image, is whole, complete and perfect. We give to him Your Covenant of Peace. Amen.

The *Sandak* points to the chair of Elijah, and says:

This is the chair of the Prophet Elijah, who is remembered as the protector of children.

The baby is passed from the godmother, to the godfather, and then to the *Sandak*. The *Sandak* now sits with him on the chair of Elijah. He says to all:

And the Lord said, 'You shall not make any cuttings in your flesh for the dead, nor imprint any marks upon you' (Lv 19:28).

Everyone says:

Let this boy be happy in this world, in the goodness of this home, in the holiness of this place.

The parents say:

Blessed it is that we are made holy with commandments and are charged to keep the Covenant. Blessed it is that we are made holy with commandments and are charged with welcoming our child into the Covenant of Sarah and Abraham.

Everyone says:

As he enters into the Covenant, so may he enter into truth, into love, and into happiness.

The Leader holds up a cup of wine and says:

Barouch ah-ta Ahdonai, eloheynu melach ha-olam, borey pri ha-gafen.

Everyone says:

Blessed are You the Lord, our God, Creator of the universe, who creates the fruit of the vine. Amen.

The Leader passes the wine to the godparents. The godparents take a drink of the wine and share it with the parents. The Leader says:

Blessed is the way of the universe which makes children holy and beloved as their birthright, which keeps the laws of the world in our flesh, and seals our offspring with a mark of holy promise.

The parents say:

We pray that our son grow up in a world free of violence and with great joy and peace.

Everyone says:

Blessed are all who are assembled here and who join in this holy Covenant.

The *Sandak* holds up the baby and says:

Give thanks to our Lord, for He is good. His kindness endures forever! This little one, may he become great! Go forth, you are perfect!

The *Sandak* passes the baby to the mother and father. The godparents say:

May this child thrive with his mother and with his father. Let his name be known among us as: (the boy's full name) son of: (the parents' full names).

Everyone says:

As he enters into the Covenant, so may he enter into truth, into love, and into happiness.

The Leader says:

May the Lord bless us and keep us. May He make His countenance shine upon us, and be gracious unto us. May the Lord turn His face unto us and give us Peace. Amen.

And all say:

Mazel Tov!

Great rejoicing takes place. Food and drink are served.

Section 5.

Female circumcision among Jews

1) Female circumcision in the ancient Middle-East

Even today in Sudan, female circumcision is called Pharaonic circumcision. The Sudanese believe that Egyptian conquest had brought this practice in their country¹. But Muhammad Fayyad, an Egyptian physician, rejects such a *lie* that defames the ancient Egyptians. He adds:

Egyptians have not known female circumcision in the days of Pharaohs whose civilization was careful to honour woman, not only as governing queen, but also as adored goddess. I passed about ten years studying about hundred books and sources on the Pharaohs and examining the medical papyri that treated all illnesses of women and their medicines. I found no trace of female circumcision there [...]. It should however be emphasized that the deceptive link between Pharaohs and female circumcision could come from the period of the decadence when Egypt was submitted to foreign conquests coming from Africa. And it is normal that some customs, including female circumcision, of these conquerors were transferred to Egypt².

Fran Hosken says that archaeologists found mummies so well preserved that not only clitoridectomy could be established but infibulation as well³.

There are no engravings that confirm the practice of the female circumcision in Egypt⁴. But we have three documents that prove the existence of this practice in this country.

The first document in date is a papyrus of the year 163 B.C., written in Greek. It contains a petition addressed to Dionysius, strategus of Memphis, by Harmais, a recluse and mendicant at the Serapeum, for redress of a fraud of which he had been the victim. According to this story, there was a girl named Tathmeis, also connected with the Serapeum, who earned money by what she could beg from house to house. From these earnings she had collected savings of 1300 drachms, which she placed in the charge of Harmais, to be kept for her. The mother of Tathemis, however, named Nephoris, came to him, and told him that her daughter was now of the age at which the ceremony of circumcision was usual, at which time the girl was considered as entering the period of womanhood, and had to be provided

¹ Da'ud: Al-khifad al-far'uni, p. 19 and 22.

² Mu'tamar al-sihhah al-injabiiyyah, p. 28.

³ Hosken: The Hosken report, p. 74.

⁴ As'ad: Al-asl al-usturi, p. 55-56.

with suitable dress and a dowry in view of the possibility of marriage. Accordingly she persuaded Harmais to hand over to her daughter's deposit, promising to repay it with addition if the ceremony did not take place very shortly. This, however, she had failed to do, and on the other hand Tathemis demanded the restitution of her money from Harmais. In this strait, the unfortunate recluse complains that he cannot with safety quit his cell and enter the town, and begs the strategus to help him to recover the money from Nephoris¹.

The second document is from Strabo, who had visited Egypt between 25 and 23 B.C. He writes.

One of the customs most zealously observed among the Egyptians is this, that they rear every child that is born, and circumcise the males, and excise the females, as is also customary among the Jews, who are also Egyptians in origin².

The third text is from Philo. He writes:

The Egyptians by the custom of their country circumcise the marriageable youth and maid in the fourteenth year of their age, when the male begins to get seed, and the female to have a menstrual flow. But the divine legislator ordained circumcision for males alone for many reasons. The first of these is that the male has more pleasures in, and desire for, mating than does the female, and he is more ready for it. Therefore He rightly leaves out the female, and suppresses the undue impulses of the male by the sign of circumcision. The second is that the matter of the female in the remains of the menstrual fluids produces the foetus. But the male provides the skill and the cause. And so, since the male provides the greater and more necessary part in the process of generation, it was proper that his pride should be checked by the sign of circumcision, but the material element, being inanimate, does not admit of arrogance. So much for that. However, we must note what follows upon it. That which sees in us is the mind, and it is necessary to cut off its superfluous growths. Now these superfluous growths are vain opinions and what is done in accordance with them. And when the mind is circumcised and contains only necessary and useful things, and when at the same time there is cut off whatever causes pride to increase, then with it are circumcised the eyes also, as thought they could not otherwise see³.

We will come back on the practice of female circumcision by the Egyptians in the later periods⁴.

2) Female circumcision among Jews

The Bible does not mention female circumcision. Did Jews practice it in spite of no existence of any biblical prescription? Strabo affirms it in the text mentioned in the previous paragraph. Elsewhere, describing customs of the tribe of the Creophagi, he says:

The males have their sexual glands mutilated and the women are excised in the Jewish fashion⁵.

In another passage, he says that after Moses' death, "superstitious men were appointed to the priesthood, and then tyrannical people; and from superstition arose abstinence from flesh, from which it is their custom to abstain even today, and circumcisions and excisions of females"⁶.

¹ Greek papyri, vol. I, p. 31-33.

² Strabo: The geography of Strabo, vol. 8, p. 153 (17.2.5)

³ Philo: Questions and answers on Genesis, Book III, 47.

⁴ See part 2, chapter 2, section 3, sub-section 1.2.

⁵ Strabo: The geography of Strabo, vol. 7, p. 323 (16.4.9).

⁶ Ibid., vol. 7, p. 285 (16.2.37).

Philo, on the other hand, seems to deny in the text mentioned in the previous paragraph that Jews ever practiced female circumcision. But all seems to indicate that some Jews knew of this practice effectively.

In legend, reported by the Muslim authors, Sarah had circumcised his servant Hagar. This legend is most probably from a Jewish origin. We will return to this point later¹. More recently, James Bruce reports from his journey in Africa between 1768 and 1772:

The Falasha [as the Agaazi] submit to both [male and female circumcision]. These nations, however they agree in their rite, differ in their accounts of the time they received this ceremony, as well as the manner of performing it. The Abyssinians of Tigre say, that they have received it from Ishmael's family and his descendants, with whom they were early connected in their trading voyages. They say also, that the queen of Sheba, and all the women of that coast, had suffered excision at the usual time of life, before puberty, and before her journey to Jerusalem. The Falasha again declare, that their circumcision was that commonly practiced at Jerusalem in the time of Solomon, and in use among them when they left Palestine, and came into Abyssinia².

James Bruce also reports that the Catholic missionaries in Egypt thought Copts practiced excision "upon Judaic principles", therefore, they "forbade, upon pain of excommunication, that excision should be performed upon the children of parents who had become Catholics"³. We will come back more in detail on this episode. Sir Richard Burton writes in this respect:

As regards the popular idea that Jewish women were circumcised till the days of Rabbi Gerhsom (d. 1000) who denounced it as a scandal to the Gentiles, the learned Prof. H. Graetz informs me, with some indignation, that the rite was never practiced and that the great Rabbi contended only against polygamy.

But Burton adds:

Female circumcision, however, is I believe the rule among some outlying tribes of Jews. The rite is the proper complement of male circumcision, evening the sensitiveness of the genitories by reducing it equally in both sexes: an uncircumcised woman has the venereal orgasm much sooner and oftener than a circumcised man, and frequent coitus would injure her health; hence I believe, despite the learned historian, that it is practiced by some Eastern Jews⁴.

Wolf Leslau writes of the Falachas:

According to the habit of the country [Ethiopia], a girl is also excised, but there is no fixed day for the excision. One excises the girl when the moment is appropriate and when the girl is strong. It is a woman who makes the circumcision, but if one doesn't find of woman a man can make it [...]. Before the woman who makes the circumcision returns home, she must wash her clothes and her body, and then she goes home after the sunset⁵.

The Jews participated with other Western physicians in the practice of female circumcision, notably in the United States. We mentioned in the first part that Rathmann, a Jewish physician, invented a device to practice female circumcision⁶. It is certain that some Jewish

¹ See part 2, chapter 3, section 3.3.

² Bruce, vol. 3, p. 341-342.

³ Ibid., vol. 3, p. 348.

⁴ Burton, p. 107.

⁵ Leslau, p. 93.

⁶ Rathmann, p. 115-120.

women have been submitted to this practice. I know personally a 30-years-old Australian girl whose father is a Jewish physician. Having found her masturbating at age 12, her father brought her to a Rabbi who circumcised her.

In contrast with the public nature of male circumcision, Jews are angered by the allegation that they also practice female circumcision, believing perhaps that such information aims to defame them. Professors and researchers alike try to wash the Jewish faith of all suspicion in this domain. Perhaps a strong reason for publicly denying female circumcision in Judaism is that male circumcision was so tied to the traditional patriarchy and male domination in religious matters. If Rabbis were to admit the possibility of female circumcision, they might also have to admit women into the inner circle of Judaic religious practice. The resistance may derive from the same issues that attempt to exclude women from non-bloody circumcision.

Professor Rabello, of the Hebrew University of Jerusalem, while mentioning Strabo, writes: "One should point out that Judaism never practiced female circumcision"¹.

Professor Shaye Cohen, after having mentioned Strabo and Philo, proposes that Strabo was simply mistaken, when claiming that Jews practiced female circumcision². In particular, he bases himself on an objection of Justin to the prescribed Jewish male circumcision, only for men and not for women³. Justin concludes that salvation of Jews is reserved for the men without women, because circumcision is limited to men, whereas the Christian baptism is provided for both men than for women. For Cohen, this objection of Justin proves that the Jews didn't practice female circumcision⁴.

While noting female circumcision among Jewish *falachas* that confirms Strabo's information, Shaye Cohen challenges this testimony:

We might perhaps seek to confirm Strabo's statement by appeal to the black Jews of Ethiopia, the *Falachas*, who do (or did) practice female circumcision, but this will not work, because surely the *Falacha* practice is to be explained as a manifestation of their Ethiopianness, and not of their Jewishness. (*Falachas* today are Jews, but their origins are most obscure and the degree of their connection with Judaism in pre-modern times is disputed; it is most unlikely that a Jewish *Falacha* community existed in the time of Strabo). *Falacha* practice is simply part of a general Ethiopian culture, in which female circumcision is widely practiced, and is not a relic of some long-lost Jewish tradition. Even if Strabo is correct, his statement remains uncorroborated⁵.

This polemic raised by Jewish authors mixes two problems. It is certain that the Bible didn't prescribe female circumcision. But this alone doesn't mean that this practice was unknown in some Jewish communities. The Bible doesn't report all customs practiced by all the Jews. Non-biblical customs have been justified thereafter on the religious traditional grounds by Rabbis, through extensive interpretations of the Bible. For example, such is the case of the *periah* or the *mezizah* of which we spoke before. The same could be said about the custom of female circumcision among the *Falachas*. Our sources are silent on the religious justifications that are given by the Rabbis of this community. But it is sure that a custom can only subsist if it had justification. It matters little in this respect that this custom may have been borrowed from surrounding peoples. Male circumcision, which Jews con-

¹ Rabello: The ban on circumcision, p. 178.

² Cohen: Why aren't Jewish women circumcised? p. 564.

³ Justin, par. 23.

⁴ Cohen: Why aren't Jewish women circumcised? p. 567-568.

⁵ Ibid., p. 564. This author quotes Ullendorff, p. 108.

sider as a religious obligation, has most probably been borrowed from the ancient Egyptians before being integrated in the Bible.

3) Involvement of girls in non-bloody circumcision

If we let aside the Jewish denials with regard to the practice of female circumcision in the past or the present, we find that some contemporary Jews have instituted a ceremony for baby girls, parallel to the ceremony of male circumcision. It especially aims to answer criticism against the apparent inequality between men and women, represented most clearly by male circumcision.

In this ceremony, the girl is admitted in Abraham's alliance and is given a Hebrew name. Jewish authors invoke here the fact that God changed the name of Abram into Abraham (Gn 17:5) and at the same time the name of Sarai into Sarah (Gn 17:15), without imposing circumcision upon her, as he had for Abraham.

Some consider the blood of menstruation for the girl as a replacement for that shed during a boy's circumcision. Others propose that it would be necessary to immerse the girl entirely or partially in water as a symbol of her new birth into the Jewish people. The medieval commentator Meiri understands a passage of the Talmud, to mean that Sarah celebrated her new name by immersing herself. Others propose washing the girl's feet, invoking the fact that Abraham washed the feet of his guests (Gn 18:4). While others propose placing a basin in the middle of the floor, so cups of water may be given to each guest, who may pour their cup into the basin, offering a blessing to the child at the same time. The baby or her feet may then be immersed in this water that has flowed from the blessings of all those beloved friends and family. The company might sing a song from the book of Isaiah: "With joy you will draw water from the wells of salvation" (Is 12:3). The family may wish to speak about the people for whom the child is being named, and do some research on the biblical or Rabbinic origins of the Hebrew name¹.

Chapter 2. Circumcision among Christians

This chapter is divided in four sections. The first presents the texts concerning circumcision in the Christians' specific holy books and an overview of Jesus' and the Apostles' position. The second traces the position of five important Christian thinkers: Justin, Origen, Cyril the Great, Thomas Aquinas and Martin Luther. The third is dedicated to the present religious debate among Christians in Egypt and the United States who practice circumcision most extensively. The fourth exposes three strange phenomena among Christians: the worship of the Jesus' foreskin, the Russian castrated sect and the choirs' castrates.

Section 1. Male circumcision in the Christian holy books

1) Definition of Christian holy books

In addition to the Jewish holy books of which we spoke in the first chapter, Christians have their own holy books, called the *New Testament*. They are divided as follows:

¹ Barth: Berit mila, p. 14-15.

- The Gospels: Gospel according to Matthew, Gospel according to Mark, Gospel according to Luke, Gospel according to John.
- Acts of the apostles.
- Letter of Paul to the Romans, Corinthians I and II, Galatians, Ephesians, Philippians, Colossians, Thessalonians I and II, Timothy I and II, Titus, Philemon, Hebrews.
- Letter of James.
- Letters of Peter I and II.
- Letters of John I, II and III.
- Letter of Jude.
- Revelation.

As we did in the previous chapter, we transcribe here the passages that are about circumcision in these books. Notice that these books speak only about male circumcision.

2) Texts concerning circumcision

Gospel according to Luke, chapter 1

(57) Now the time came for Elizabeth to give birth, and she bore a son. [...] (59) On the eighth day they came to circumcise the child, and they were going to name him Zechariah after his father. (60) But his mother said: "No; he is to be called John".

Gospel according to Luke, chapter 2

(21) After eight days had passed, it was time to circumcise the child; and he was called Jesus, the name given by the angel before he was conceived in the womb.

Gospel according to John, chapter 7

(19) [Jesus said:] "Did not Moses give you the law? Yet none of you keeps the law. Why are you looking for an opportunity to kill me?" (20) The crowd answered: "You have a demon! Who is trying to kill you?" (21) Jesus answered them: "I performed one work, and all of you are astonished. (22) Moses gave you circumcision, and you circumcise a man on the sabbath. (23) If a man receives circumcision on the sabbath in order that the law of Moses may not be broken, are you angry with me because I healed a man's whole body on the sabbath? (24) Do not judge by appearances, but judge with right judgment".

Acts of the apostles, chapter 7

(51) [Stephen told the Jews]: "You stiff-necked people, uncircumcised in heart and ears, you are forever opposing the holy Spirit, just as your ancestors used to do".

Acts of the apostles, chapter 10

(1) In Caesarea there was a man named Cornelius, a centurion of the Italian Cohort, as it was called. (2) He was a devout man who feared God with all his household; he gave alms generously to the people and prayed constantly to God. (3) One afternoon at about three o'clock he had a vision in which he clearly saw an angel of God coming in and saying to him: "Cornelius". (4) He stared at him in terror and said: "What is it, Lord?" He answered: "Your prayers and your alms have ascended as a memorial before God. (5) Now send men to Joppa for a certain Simon who is called Peter; (6) he is lodging with Simon, a tanner, whose house is by the seaside". (7) When the angel who spoke to him had left, he called two of his slaves and a devout soldier from the ranks of those who served him, (8) and after telling them everything, he sent them to Joppa. (9) About noon the next day, as they were on their journey and approaching the city, Peter went up on the roof to pray. (10) He became hungry and wanted something to eat; and while it was being prepared, he fell into a trance. (11) He saw the heaven opened and something like a large sheet coming down,

being lowered to the ground by its four corners. (12) In it were all kinds of four-footed creatures and reptiles and birds of the air. (13) Then he heard a voice saying: "Get up, Peter; kill and eat". (14) But Peter said: "By no means, Lord; for I have never eaten anything that is profane or unclean". (15) The voice said to him again, a second time: "What God has made clean, you must not call profane". (16) This happened three times, and the thing was suddenly taken up to heaven. (17) Now while Peter was greatly puzzled about what to make of the vision that he had seen, suddenly the men sent by Cornelius appeared. They were asking for Simon's house and were standing by the gate. (18) They called out to ask whether Simon, who was called Peter, was staying there. (19) While Peter was still thinking about the vision, the Spirit said to him: "Look, three men are searching for you. (20) Now get up, go down, and go with them without hesitation; for I have sent them". (23) [...] The next day he got up and went with them, and some of the believers from Joppa accompanied him. (24) The following day they came to Caesarea. Cornelius was expecting them and had called together his relatives and close friends. (25) On Peter's arrival Cornelius met him, and falling at his feet, worshiped him. (26) But Peter made him get up, saying: "Stand up; I am only a mortal". (27) And as he talked with him, he went in and found that many had assembled; (28) and he said to them: "You yourselves know that it is unlawful for a Jew to associate with or to visit a Gentile; but God has shown me that I should not call anyone profane or unclean. (29) So when I was sent for, I came without objection. Now may I ask why you sent for me?" (30) Cornelius replied, [...]. (34) Then Peter began to speak to them: "I truly understand that God shows no partiality, (35) but in every nation anyone who fears him and does what is right is acceptable to him". [...] (44) While Peter was still speaking, the holy Spirit fell upon all who heard the word. (45) The circumcised believers who had come with Peter were astounded that the gift of the Holy Spirit had been poured out even on the Gentiles, (46) for they heard them speaking in tongues and extolling God. Then Peter said: (47) "Can anyone withhold the water for baptizing these people who have received the holy Spirit just as we have?" (48) So he ordered them to be baptized in the name of Jesus Christ. Then they invited him to stay for several days.

Acts of the apostles, chapter 11

(1) Now the apostles and the believers who were in Judea heard that the Gentiles had also accepted the word of God. (2) So when Peter went up to Jerusalem, the circumcised believers criticized him, (3) saying: "Why did you go to uncircumcised men and eat with them?" (4) Then Peter began to explain it to them, step by step [...]: (17) "If then God gave them the same gift that he gave us when we believed in the Lord Jesus Christ, who was I that I could hinder God?" (18) When they heard this, they were silenced. And they praised God, saying: "Then God has given even to the Gentiles the repentance that leads to life".

Acts of the apostles, chapter 15

(1) Then certain individuals came down from Judea and were teaching the brothers: "Unless you are circumcised according to the custom of Moses, you cannot be saved". (2) And after Paul and Barnabas had no small dissension and debate with them, Paul and Barnabas and some of the others were appointed to go up to Jerusalem to discuss this question with the apostles and the elders. [...] (5) But some believers who belonged to the sect of the Pharisees stood up and said: "It is necessary for them to be circumcised and ordered to keep the law of Moses". (6) The apostles and the elders met together to consider this matter. (7) After there had been much debate, Peter stood up and said to them: "My brothers, you know that in the early days God made a choice among you, that I should be the one through whom the Gentiles would hear the message of the good news and become believers. (8) And God, who knows the human heart, testified to them by giving them the holy Spirit, just as he did to us; (9) and in cleansing their hearts by faith he has made no distinc-

tion between them and us. (10) Now therefore why are you putting God to the test by placing on the neck of the disciples a yoke that neither our ancestors nor we have been able to bear? (11) On the contrary, we believe that we will be saved through the grace of the Lord Jesus, just as they will". (12) The whole assembly kept silence, and listened to Barnabas and Paul as they told of all the signs and wonders that God had done through them among the Gentiles. (13) After they finished speaking, James replied: "My brothers, listen to me. (14) Simeon has related how God first looked favourably on the Gentiles, to take from among them a people for his name. (15) This agrees with the words of the prophets [...]. (19) Therefore I have reached the decision that we should not trouble those Gentiles who are turning to God, (20) but we should write to them to abstain only from things polluted by idols and from fornication and from whatever has been strangled and from blood. (21) For in every city, for generations past, Moses has had those who proclaim him, for he has been read aloud every sabbath in the synagogues". (22) Then the apostles and the elders, with the consent of the whole church, decided to choose men from among their members and to send them to Antioch with Paul and Barnabas. They sent Judas called Barsabbas, and Silas, leaders among the brothers, (23) with the following letter: "The brothers, both the apostles and the elders, to the believers of Gentile origin in Antioch and Syria and Cilicia, greetings. (24) Since we have heard that certain persons who have gone out from us, though with no instructions from us, have said things to disturb you and have unsettled your minds, (25) we have decided unanimously to choose representatives and send them to you, along with our beloved Barnabas and Paul, (26) who have risked their lives for the sake of our Lord Jesus Christ. (27) We have therefore sent Judas and Silas, who themselves will tell you the same things by word of mouth. (28) For it has seemed good to the holy Spirit and to us to impose on you no further burden than these essentials: (29) that you abstain from what has been sacrificed to idols and from blood and from what is strangled and from fornication. If you keep yourselves from these, you will do well. Farewell".

Acts of the apostles, chapter 16

(1) Paul went on also to Derbe and to Lystra, where there was a disciple named Timothy, the son of a Jewish woman who was a believer; but his father was a Greek. (2) He was well spoken of by the believers in Lystra and Iconium. (3) Paul wanted Timothy to accompany him; and he took him and had him circumcised because of the Jews who were in those places, for they all knew that his father was a Greek.

Acts of the apostles, chapter 21

(18) The next day Paul went with us to visit James; and all the elders were present. (19) After greeting them, he related one by one the things that God had done among the Gentiles through his ministry. (20) When they heard it, they praised God. Then they said to him: "You see, brother, how many thousands of believers there are among the Jews, and they are all zealous for the law. (21) They have been told about you that you teach all the Jews living among the Gentiles to forsake Moses, and that you tell them not to circumcise their children or observe the customs. (22) What then is to be done? They will certainly hear that you have come. (23) So do what we tell you. We have four men who are under a vow. (24) Join these men, go through the rite of purification with them, and pay for the shaving of their heads. Thus all will know that there is nothing in what they have been told about you, but that you yourself observe and guard the law. (25) But as for the Gentiles who have become believers, we have sent a letter with our judgment that they should abstain from what has been sacrificed to idols and from blood and from what is strangled and from fornication". (26) Then Paul took the men, and the next day, having purified himself, he entered the temple with them, making public the completion of the days of purification when the sacrifice would be made for each of them.

Letter of Paul to the Romans, chapter 2

(25) Circumcision indeed is of value if you obey the law; but if you break the law, your circumcision has become uncircumcision. (26) So, if those who are uncircumcised keep the requirements of the law, will not their uncircumcision be regarded as circumcision? (27) Then those who are physically uncircumcised but keep the law will condemn you that have the written code and circumcision but break the law. (28) For a person is not a Jew who is one outwardly, nor is true circumcision something external and physical. (29) Rather, a person is a Jew who is one inwardly, and real circumcision is a matter of the heart-- it is spiritual and not literal. Such a person receives praise not from others but from God.

Letter of Paul to the Romans, chapter 3

(1) Then what advantage has the Jew? Or what is the value of circumcision? (2) Much, in every way. For in the first place the Jews were entrusted with the oracles of God. (3) What if some were unfaithful? Will their faithlessness nullify the faithfulness of God? [...] (27) Then what becomes of boasting? It is excluded. By what law? By that of works? No, but by the law of faith. (28) For we hold that a person is justified by faith apart from works prescribed by the law. (29) Or is God the God of Jews only? Is he not the God of Gentiles also? Yes, of Gentiles also, (30) since God is one; and he will justify the circumcised on the ground of faith and the uncircumcised through that same faith.

Letter of Paul to the Romans, chapter 4

(1) What then are we to say was gained by Abraham, our ancestor according to the flesh? (2) For if Abraham was justified by works, he has something to boast about, but not before God. (3) For what does the scripture say: "Abraham believed God, and it was reckoned to him as righteousness"? (4) Now to one who works, wages are not reckoned as a gift but as something due. (5) But to one who without works trusts him who justifies the ungodly, such faith is reckoned as righteousness. (6) So also David speaks of the blessedness of those to whom God reckons righteousness apart from works: (7) "Blessed are those whose iniquities are forgiven, and whose sins are covered; (8) blessed is the one against whom the Lord will not reckon sin". (Ps 32:1-2). (9) Is this blessedness, then, pronounced only on the circumcised, or also on the uncircumcised? We say: "Faith was reckoned to Abraham as righteousness". (10) How then was it reckoned to him? Was it before or after he had been circumcised? It was not after, but before he was circumcised. (11) He received the sign of circumcision as a seal of the righteousness that he had by faith while he was still uncircumcised. The purpose was to make him the ancestor of all who believe without being circumcised and who thus have righteousness reckoned to them, (12) and likewise the ancestor of the circumcised who are not only circumcised but who also follow the example of the faith that our ancestor Abraham had before he was circumcised. (13) For the promise that he would inherit the world did not come to Abraham or to his descendants through the law but through the righteousness of faith.

Letter of Paul to the Romans, chapter 15

(7) Welcome one another, therefore, just as Christ has welcomed you, for the glory of God. (8) For I tell you that Christ has become a servant of the circumcised on behalf of the truth of God in order that he might confirm the promises given to the patriarchs, (9) and in order that the Gentiles might glorify God for his mercy. As it is written: "Therefore I will confess you among the Gentiles, and sing praises to your name".

Letter I of Paul to the Corinthians, chapter 7

(17) However that may be, let each of you lead the life that the Lord has assigned, to which God called you. This is my rule in all the churches. (18) Was anyone at the time of his call

already circumcised? Let him not seek to remove the marks of circumcision. Was anyone at the time of his call uncircumcised? Let him not seek circumcision. (19) Circumcision is nothing, and uncircumcision is nothing; but obeying the commandments of God is everything. (20) Let each of you remain in the condition in which you were called.

Letter of Paul to the Galatians, chapter 2

(1) Then after fourteen years I went up again to Jerusalem with Barnabas, taking Titus along with me. (2) I went up in response to a revelation. Then I laid before them the gospel that I proclaim among the Gentiles, in order to make sure that I was not running, or had not run, in vain. (3) But even Titus, who was with me, was not compelled to be circumcised, though he was a Greek. (4) But because of false believers secretly brought in, who slipped in to spy on the freedom we have in Christ Jesus, so that they might enslave us, (5) we did not submit to them even for a moment, so that the truth of the gospel might always remain with you. (6) And from those who were supposed to be acknowledged leaders - what they actually were makes no difference to me; God shows no partiality - those leaders contributed nothing to me. (7) On the contrary, when they saw that I had been entrusted with the gospel for the uncircumcised, just as Peter had been entrusted with the gospel for the circumcised (8) - for he who worked through Peter making him an apostle to the circumcised also worked through me in sending me to the Gentiles - (9) and when James and Cephas and John, who were acknowledged pillars, recognized the grace that had been given to me, they gave to Barnabas and me the right hand of fellowship, agreeing that we should go to the Gentiles and they to the circumcised. (10) They asked only one thing, that we remember the poor, which was actually what I was eager to do. (11) But when Cephas came to Antioch, I opposed him to his face, because he stood self-condemned; (12) for until certain people came from James, he used to eat with the Gentiles. But after they came, he drew back and kept himself separate for fear of the circumcision faction.

Letter of Paul to the Galatians, chapter 3

(23) Now before faith came, we were imprisoned and guarded under the law until faith would be revealed. (24) Therefore the law was our disciplinarian until Christ came, so that we might be justified by faith. (25) But now that faith has come, we are no longer subject to a disciplinarian, (26) for in Christ Jesus you are all children of God through faith. (27) As many of you as were baptized into Christ have clothed yourselves with Christ. (28) There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus. (29) And if you belong to Christ, then you are Abraham's offspring, heirs according to the promise.

Letter of Paul to the Galatians, chapter 5

(1) For freedom Christ has set us free. Stand firm, therefore, and do not submit again to a yoke of slavery. (2) Listen! I, Paul, am telling you that if you let yourselves be circumcised, Christ will be of no benefit to you. (3) Once again I testify to every man who lets himself be circumcised that he is obliged to obey the entire law. (4) You who want to be justified by the law have cut yourselves off from Christ; you have fallen away from grace. (5) For through the Spirit, by faith, we eagerly wait for the hope of righteousness. (6) For in Christ Jesus neither circumcision nor uncircumcision counts for anything; the only thing that counts is faith working through love. [...] (12) I wish those who unsettle you would castrate themselves!

Letter of Paul to the Galatians, chapter 6

(12) It is those who want to make a good showing in the flesh that try to compel you to be circumcised-- only that they may not be persecuted for the cross of Christ. (13) Even the circumcised do not themselves obey the law, but they want you to be circumcised so that

they may boast about your flesh. (14) May I never boast of anything except the cross of our Lord Jesus Christ, by which the world has been crucified to me, and I to the world. (15) For neither circumcision nor uncircumcision is anything; but a new creation is everything!

Letter of Paul to the Philippians, chapter 3

(2) Beware of the dogs, beware of the evil workers, beware of those who mutilate the flesh! (3) For it is we who are the circumcision, who worship in the Spirit of God and boast in Christ Jesus and have no confidence in the flesh (4) even though I, too, have reason for confidence in the flesh. If anyone else has reason to be confident in the flesh, I have more: (5) circumcised on the eighth day, a member of the people of Israel, of the tribe of Benjamin, a Hebrew born of Hebrews; as to the law, a Pharisee.

Letter of Paul to the Colossians, chapter 2

(11) In him also you were circumcised with a spiritual circumcision, by putting off the body of the flesh in the circumcision of Christ; (12) when you were buried with him in baptism, you were also raised with him through faith in the power of God, who raised him from the dead. (13) And when you were dead in trespasses and the uncircumcision of your flesh, God made you alive together with him, when he forgave us all our trespasses.

Letter of Paul to the Colossians, chapter 3

(8) But now you must get rid of all such things-- anger, wrath, malice, slander, and abusive language from your mouth. (9) Do not lie to one another, seeing that you have stripped off the old self with its practices (10) and have clothed yourselves with the new self, which is being renewed in knowledge according to the image of its creator. (11) In that renewal there is no longer Greek and Jew, circumcised and uncircumcised, barbarian, Scythian, slave and free; but Christ is all and in all!

Letter of Paul to Titus, chapter 1

(10) There are also many rebellious people, idle talkers and deceivers, especially those of the circumcision; (11) they must be silenced, since they are upsetting whole families by teaching for sordid gain what it is not right to teach. [...] (13) [...] For this reason rebuke them sharply, so that they may become sound in the faith, (14) not paying attention to Jewish myths or to commandments of those who reject the truth. (15) To the pure all things are pure, but to the corrupt and unbelieving nothing is pure. Their very minds and consciences are corrupted. (16) They profess to know God, but they deny him by their actions. They are detestable, disobedient, unfit for any good work.

3) Position of Jesus

Only the Gospel according to Luke reports the circumcision of John the Baptist and Jesus. By contrast, the other Gospels omit this important link to Judaism.

None of the canonical Gospels give us a clear idea of Jesus' position on circumcision. The only passage where he speaks of it, circumcision is alluded to inside his answer to religious leaders blaming him for healing a sick man on the Sabbath. Pointing out that they themselves break the Sabbath to circumcise then, when it is the eighth day, Jesus confronts them with their hypocrisy.

One finds, however, a clear condemnation of circumcision in the apocryphal gospel according to Thomas. To his disciples who asked him: "Is circumcision useful or not?" he answered: "If it were useful, their fathers would beget them already circumcised from their mothers. But really useful circumcision is in spirit"¹. This gospel was found written in

¹ Kasser: L'Evangile selon Thomas, p. 81, verse 53 (811).

Coptic at Naga Hamadeh. Some think it served as a basis for the recognized Gospels, others say that it is a text established by a fringe Christian sect.

If one puts aside the gospel according to Thomas, one could say that in appearance Jesus was in favour of the circumcision: "Do not think that I have come to abolish the law or the prophets; I have come not to abolish but to fulfil" (Mt 5:17). But, in fact, many other recorded teaching by Jesus contributed to undermine the basis on which circumcision rested:

- He contested the authority of the religious leaders that he qualified as *blind fools* (Mt 23:17). He asked his disciples: "you are not to be called Rabbi, for you have one teacher, and you are all students" (Mt 23:8).
- He violated the sabbath and put mercy above of the law: "I desire mercy and not sacrifice ... For the Son of Man is lord of the sabbath" (Mt 12:7-8).
- He refused to apply the penal norms prescribed by the Bible, forgiving the adulterous woman (Jn 8:11) and annulling the law of the talion (Mt 5:38-39).
- He frequented people whom the Jewish law considers unclean. So he ate with sinners (Mt 9:1-11); he entered in the house of Zacchaeus, a chief tax collector (Lk 19:7); he spoke to the Samaritan woman and asked her to drink (Jn 4:9); he praised the stranger's gratitude who come back to thank him (Lk 17:18), the faith of the Roman centurion (Mt 8:10) and of the Canaanite woman (Mt 15:28). He even enacted the love of enemies (Mt 5:44).
- He changed the concept of the purity: "There is nothing outside a person that by going in can defile, but the things that come out are what defile". And Mark commented: "Thus he declared all foods clean" (Mk 7:15, 19).

With Jesus' teaching, it was not difficult for his apostles to abolish the obligatory character of the circumcision, as one will see it in the following point.

4) Position of the apostles

After Jesus' death, his apostles undertook the mission of spreading his teachings, first among Jews, and then among the pagans. The new community divided quickly over the matter of circumcision. Circumcision was the unique item discussed during the first council in Christian history, as reported by the Acts of Apostles in the aforementioned texts.

The prelude to this council is clear. Following a vision, a Roman centurion of Caesarea, called Cornelius, invited Peter in his house to hear his teaching. However, as a Jew, Peter didn't have the right to enter pagan's house. A vision pushed him to overlook this prescription. During that vision, an angel had ordered him to eat food that Jews consider unclean. Peter refused, but the angel insisted three times by saying: "What God has made clean, you must not call profane". Therefore, Peter went to the centurion and noticed that "God shows no partiality, but in every nation anyone who fears him and does what is right is acceptable to him". After consulting his Jewish companions, Peter decided to baptize the centurion, his family and friends (Acts chapter 10).

This event provoked shock waves among the earlier followers of Jesus who were of Jewish origin. They blamed Peter, "Why did you go to uncircumcised men and eat with them?" (Acts 11:3). He had to justify himself by telling his vision. But certain Christians coming from Judea continued to preach to the new converts of pagan origin: "Unless you are circumcised according to the custom of Moses, you cannot be saved" (Acts 15:1). And after Paul and Barnabas had no small dissension and debate with them, Paul and Barnabas and some of the others were appointed to go up to Jerusalem to discuss this question with the apostles and the elders. Peter, who was the originator of the debate, asked not to distinguish between Jews and non-Jews and not to place "on the neck of the disciples a yoke that nei-

ther our ancestors nor we have been able to bear" (Acts 15:10). A long discussion took place, and James made the final decision: "We should not trouble those Gentiles who are turning to God, but we should write to them to abstain only from things polluted by idols and from fornication and from whatever has been strangled and from blood" (Acts 15:19-20).

Thus, according to the canonical Acts, the apostles abolished the obligatory character of circumcision, yet prescribed by Moses' law, and decided not to distinguish between Jews and non-Jews. They also abolished the purity rules. One should notice here that the obligation to practice circumcision and the interdiction to eat pork has been abolished at the same time and in the same chapter.

It was not however easy to pass from theory to practice. In order not to offend the Christians of Jewish origin, the apostles decided to share tasks. Paul and Barnabas have been charged with converting pagans without imposing circumcision on them. Paul and Barnabas no longer mingled with Jewish converts. And when Paul was in passage in Jerusalem, the other apostles asked him to pretend to respect the Jewish norms (Acts 21:18-26). Paul even conceded to circumcise Timothy, son of a Jewish woman, because of fear of the Jews (Acts 16:1-3), but he didn't force Titus into circumcision, for he was Greek (Ga 2:3).

By reason of sharing tasks, the theme of circumcision is only in Paul's letters, this concern being completely absent in the letters of the other apostles. Paul continued to battle with the Jewish converts during his long journeys. He didn't hesitate to use some harsh terms against them: "Beware of the dogs, beware of the evil workers, beware of those who mutilate the flesh" (Ph 3:2). Dog is the epithet that Jews gave to pagans (Mt 15:26) and that Paul returns to them with irony¹. To the Galatians, Paul wrote: "I wish those who unsettle you would castrate themselves" (Ga 5:12). By using the term castration, Paul assimilates the circumcision of Jews to the bloody pagan cult incisions². He wrote to Titus: "There are also many rebellious people, idle talkers and deceivers, especially those of the circumcision; they must be silenced, since they are upsetting whole families by teaching for sordid gain what it is not right to teach" (Tt 1:10-11).

Without entering in the complex theological debate, one can summarize Paul's position by these four passages:

- For a person is not a Jew who is one outwardly, nor is true circumcision something external and physical. Rather, a person is a Jew who is one inwardly, and real circumcision is a matter of the heart-- it is spiritual and not literal (Rm 2:28-29).
- Circumcision is nothing, and uncircumcision is nothing; but obeying the commandments of God is everything (I Co 7:19).
- For freedom Christ has set us free. Stand firm, therefore, and do not submit again to a yoke of slavery. (2) Listen! I, Paul, am telling you that if you let yourselves be circumcised, Christ will be of no benefit to you. [...] You who want to be justified by the law have cut yourselves off from Christ; you have fallen away from grace (Ga 5:1-2 and 4).
- To the pure all things are pure, but to the corrupt and unbelieving nothing is pure. Their very minds and consciences are corrupted (Tt 1:15).

¹ Bible de Jérusalem, p. 1697, note j. Note how this compares to what the apocryphal gospel of Barnabas describes Jesus' position, "a dog is better than an uncircumcised man". We will speak about this gospel in this part, chapter III, section III.2.

² Bible de Jérusalem, p. 1684, footnote c. It may be a reference to a ritual practiced in Galatia in the cult of Cybele. See part 2, chapter 2, section 4.2.

With great simplification, one can say that Jesus' followers divided concerning circumcision into two main groups:

- The first group, of Jewish origin, called mainly Nazarenes. It considered circumcision as an obligatory duty and a condition for eternal salvation.
- The second group, of pagan origin, called Christians. It was directed by Paul. It considered circumcision as simply permitted; that doesn't change anything, or it was even harmful to faith, and constitutes a rupture from Christ.

This last attitude regarding circumcision is certainly a logical consequence of Jesus' teachings, but it has also been dictated by the tactical considerations: the conversion of pagans, who could not submit to circumcision and the other strict measures of Jewish law, so much decried in their society. It is Paul's group that won out in the end. But in more recent times, this group has begun to regress because of the influence of Christian fundamentalists and a literal interpretation of the Jewish Bible. We will return to this point later.

One will notice in this respect that neither the Jewish holy books, nor those of the Christians, treat circumcision from the point of view of the right to physical integrity or as an autonomous choice that we make today. This position drove to aberrations. So that Christians started by rejecting circumcision, but finished by accepting what is worse: castration, notably for church choirs, as we will study hereafter.

Section 2.

Position of the Church Fathers and theologians

1) Victory of the trend opposed to circumcision

We indicated above the division of Jesus' followers after his death in two opposite groups: the Nazarenes and the Christians.

Nazarenes spoke Syriac and observed Moses' laws, abstaining from eating pork, respecting the Sabbath and practicing circumcision. They had their own churches and their own priests. They were persecuted on behalf of the Jews who considered them apostates, and they were not beloved by the Christians. To identify them, a Christian clerk in Constantine's time had required believers to eat pork at the exit of the church on Easter Day, killing those who refused to do so¹. Nazarenes hated Paul, didn't consider him as apostle and challenged his letters for having abolished the Mosaic law². They had their own gospels. The Christians considered these gospels, of which a part has been found in Egypt, as apocryphal³.

Nazarenes have been progressively dissolved and absorbed into the Christian community after the christianisation of the empire. In 325, the Council of Nicaea met in the presence of Emperor Constantine who adopted its positions as laws of the Roman Empire⁴. This Council overlooked the Nazarenes completely. Among the 318 bishops gathered there, the names of the 18 bishops from Palestine indicate that they are all of Greek origin. At that time a Nazarene bishop lived in Tiberias, who zealously converted Jews, but he was not invited to the Council. This absence left the participant Bishops free to impose their point of view⁵.

¹ Bagatti, p. 11-12, 78, 85.

² Ibid., p. 11-12, 78, 85.

³ Ibid., p. 36-39.

⁴ Les conciles oecuméniques, Tome II,1, p. 31.

⁵ Bagatti, p. 70-71.

By the end of the 4th century, the ongoing integration of Jewish converts by a non-Jewish Christian majority, still had not fully resolved the circumcision issue. Later Jewish converts always were tempted to practice circumcision. So the 4th Council of Lateran in 1215 decided the following in an effort to finally settle the issue:

Certain people, who have come voluntarily to the waters of sacred baptism, as we learnt, do not wholly cast off the old person in order to put on the new more perfectly. For, in keeping remnants of their former rite, they upset the decorum of the Christian religion by such a mixing. Since it is written, "cursed is he who enters the land by two paths" (If 2:14; 3:28), and "garment that is woven from linen and wool together should not be put on" (Dt 22:11), we therefore decree that such people shall be wholly prevented by the prelates of churches from observing their old rite, so that those who freely offered themselves to the Christian religion may be kept to its observance by a salutary and necessary coercion. For it is a lesser evil not to know the Lord's way than to go back on it after having known it¹.

This debate, that finds its echo in the writings of the Church Fathers and theologians, hasn't attracted the scholarly attention it deserves. However, it is indispensable to understand a developing notion of the right to physical integrity and respect for human autonomy. For lack of space, we limit our survey to five important thinkers, three oriental: Justin, Origen and Cyril the Great, and two Western: Thomas Aquinas and Martin Luther. In the following section, we overview the present debate among two Christian groups who continue to practice circumcision: Egyptian Copts and Christians in the United States.

2) Position of Justin

Tortured around the year 165, Justin had been born of a Roman family in Palestine, in the present city of Nablus. He wrote in Greek. He belonged to the Christian community and was one of the first defenders of the Christian faith in opposition to both Jewish and Roman authorities. He wrote a book reporting a dialogue that he had with a Jew named Trypho, in which circumcision played a large part. Indeed Trypho begins by telling Justin:

If, then, you are willing to listen to me (for I have already considered you a friend), first be circumcised, then observe what ordinances have been enacted with respect to the Sabbath, and the feasts, and the new moons of God; and, in a word, do all things which have been written in the law: and then perhaps you shall obtain mercy from God².

Justin tries in much detail to answer to his interlocutor advancing many arguments that we summarize as follows:

- Isaiah (55:3 and 5) and Jeremiah (31:31-32) spoke of a new alliance, the one of the Christ. After the Christ's arrival, it is necessary to practice the new circumcision, the one of the heart according to Deuteronomy 10:16³.
- Circumcision is not essential for salvation. "For if it were necessary ... God would not have made Adam uncircumcised, would not have had respect to the gifts of Abel when, being uncircumcised, he offered sacrifice and would not have been pleased with uncircumcision of Enoch, who was not found, because God had translated him. Lot, being uncircumcised, was saved from Sodom, the angels themselves and the Lord sending him out. Noah was the beginning of our race; yet, uncircumcised,

¹ Decrees of the ecumenical councils, vol. I, p. 267.

² Justin, par. 8.

³ Ibid., par. 11.

along with his children he went into the ark. Melchizedek, the priest of the Most High, was uncircumcised"¹.

- "The inability of the female sex to receive fleshly circumcision, proves that this circumcision has been given for a sign, and not for a work of righteousness. For God has given likewise to women the ability to observe all things which are righteous and virtuous; but we see that the bodily form of the male has been made different from the bodily form of the female; yet we know that neither of them is righteous or unrighteous merely for this cause, but [is considered righteous] by reason of piety and righteousness"².
- "Be not offended at, or reproach us with, the bodily uncircumcision with which God has created us"³.
- "The command of circumcision, again, bidding [them] always circumcise the children on the eighth day, was a symbol of the true circumcision, by which we are circumcised from deceit and iniquity through Him who rose from the dead on the first day after the sabbath, [namely through] our Lord Jesus Christ. For the first day after the sabbath, remaining the first of all the days, is called, however, the eighth, according to the number of all the days of the cycle, and [yet] remains the first"⁴.
- "As, then, circumcision began with Abraham, and the sabbath and sacrifices and offerings and feasts with Moses, and it has been proved they were enjoined on account of the hardness of your people's heart, so it was necessary, in accordance with the Father's will, that they should have an end in Him who was born of a virgin, of the family of Abraham and tribe of Judah, and of David; in Christ the Son of God, who was proclaimed as about to come to all the world, to be the everlasting law and the everlasting covenant, even as the aforementioned prophecies show. And we, who have approached God through Him, have received not carnal, but spiritual circumcision, which Enoch and those like him observed. And we have received it through baptism, since we were sinners, by God's mercy; and all men may equally obtain it"⁵.
- Joshua has circumcised the people a second time with knives of stone. This fact was a sign of the circumcision with which Jesus Christ Himself has circumcised us from the idols made of stone and of other materials. The prophets in parables proclaimed Christ a Stone and a Rock"⁶.

In this dialogue Justin speaks about Judeo-Christians who observe circumcision and other laws of Moses. Justin considers that "such a one will be saved, if he does not strive in every way to persuade other men, I mean those Gentiles who have been circumcised from error by Christ, to observe the same things as himself, telling them that they will not be saved unless they do so"⁷.

3) Position of Origen

Egyptian by birth, Origen lived most of his life in Caesarea, Palestine, until he was tortured in the year 254. Eusebius (d. 340) reports that he had castrated himself in his youth. He explains his gesture as follows:

¹ Ibid., par. 19.

² Ibid., par. 23.

³ Ibid., par. 29.

⁴ Ibid., par. 41.

⁵ Ibid., par. 43.

⁶ Ibid., par. 113.

⁷ Ibid., par. 47.

At that time, while Origen was conducting catechetical instruction in Alexandria, a deed was done by him which evidenced an immature and youthful mind, but at the same time gave the highest proof of faith and continence. For he took the words "There are eunuchs who have made themselves eunuchs for the kingdom of heaven's sake" (Mt 19:12) in too literal and extreme a sense. And in order to fulfil the Saviour's word, and at the same time to take away from the unbelievers all opportunity for scandal - for, although young, he met for the study of divine things with women as well as men - he carried out in action the word of the Saviour¹.

His castration was one of the reasons for his excommunication. But in spite of it, he is considered one of the most prolific and influential Christian authors.

Origen treated circumcision in his homilies on Genesis, which gave him the opportunity to answer both Jews and Judeo-Christians (so-called Ebionites)². He interpreted circumcision in an allegorical manner, presenting that Abraham's circumcision in the flesh is only the reflection of spiritual circumcision. He invokes here Paul who says: "These things happened to them to serve as an example, and they were written down to instruct us, on whom the ends of the ages have come" (I Co 10:11). Following Paul, he believes that true circumcision is a spiritual one³.

Origen recalls that the Bible speaks of circumcision of the heart (Ez 9:44 and Jr 9:25), of the ears (Me 6:10) and of the lips (Ex 5:12). If one had to understand these expressions literally, it would be necessary to cut them. Therefore, the only acceptable interpretation for the circumcision is the allegorical one. The Christian, he says, is called to not only circumcise his foreskin, but his ears, his lips, his heart, and all his members in an allegorical sense by abstaining from committing sin with these organs and not by cutting them⁴. Speaking of the circumcision of the foreskin, Origen says:

No one ignores that the member where is the foreskin serves to the natural functions of coitus and generation. When therefore one knows how to master himself in movements of this nature, when one doesn't pass boundary-marks established by laws, when one doesn't know another woman than his legitimate wife, when one doesn't approach her other than at determined and legitimate times and only to have children, then it is clear that one is circumcised in the foreskin of his flesh⁵.

After having established that the true sense of the circumcision is spiritual and not carnal, he asks his adversaries:

To establish God's covenant, doesn't a circumcision of this way appear to you worthier? Compare, please, our explanations with your Judaic fables and your disgusting narratives, and ask yourself if it is in your prescriptions or in those that preaches Christ's church, that circumcision is observed of a manner worthy of God. Don't you yourself realize that circumcision of the church is honest, holy, worthy of God, while yours is ashamed, repugnant, hideous, and that, nothing that by its fashion and its outside aspect, it makes obscene⁶?

¹ Eusebius of Caesarea: Church History, Book 6, chap. VIII. 1-2.

² Origène, p. 129.

³ Ibid., p. 127.

⁴ Ibid., p. 129-131.

⁵ Ibid., p. 133-135.

⁶ Ibid., p. 139.

4) Position of Cyril the Great

Cyril the Great (d. 444) was Patriarch of Alexandria. As such, he held the key position in the Coptic Church; identified as the "pillar of the church". He published his books in Greek.

As Origen had before him, Cyril considers Biblical circumcision in a spiritual, not a carnal sense. He invokes here Paul who says: "real circumcision is a matter of the heart, it is spiritual and not literal" (Rm 2:29) as well as Jeremiah: "Circumcise yourselves to the Lord, remove the foreskin of your hearts" (Jr 4:4). He adds: "The sense of the real circumcision reached its fullness not in that suffered of the flesh, but in the will to do what God prescribes"¹.

Cyril proposed that any literal understanding of the Bible leads one to the conclusion that reason cannot accept it and that such a narrow understanding conflicts with the perfection of God's creation. He writes:

You consider [...] circumcision of the flesh as something of importance and as the most suitable element of the cult [...]. Well then, let's examine the use of circumcision and what benefits the Legislator will bring us through it. Indeed, to inflict circumcision on the parts of the body which nature uses to beget, unless you have one of the most beautiful reasons to do so, is foolishness, furthermore, it blames the art of the Creator, as if he had overloaded the shape of the body with useless growths. However, if it follows thusly and if we envision in this sense what has been said, how does one not conclude that the divine intelligence is mistaken in what fits? Because if circumcision is the best way to conform to the physical nature, why was it not better and preferable from the beginning? Tell me then, if someone says that the infallible and intact nature is mistaken, does it not appear unreasonable²?

The God that is above all things created thousands of races of living beings devoid of reason. However it appears that in their constitution oriented toward the most exact beauty, there is nothing either imperfect or superfluous. They are quite free of these two lies and escaped this double accusation. How could God, the artist of excellence, who gave such attention to the smallest things, make a mistake in the most precious of all? And when he introduced in the world the one that is after his image, would have he made him uglier than the beings devoid of reason, if it is true that in them there is no mistake, wherefore is one to be found here³?

5) Position of Thomas Aquinas

The Dominican monk, Thomas Aquinas (d. 1274) influenced and continues to influence Catholic philosophical and theological thought.

In his famous book *Summa theologiae*, Thomas notices that those things that are done for the purpose of divine worship should not be like the observances of idolaters (Dt 12:31; I K 18:28) who used to knife themselves for the shedding of blood, which is forbidden by the Bible (Dt 14:1). Therefore it was unfitting for circumcision to be prescribed by the Law⁴. To solve this contradiction, Thomas answers that circumcision doesn't look like an idolatrous cult. It was a way to fix firmly, in the hearts and flesh of the Jews, Abraham's faith. Such a sign as they could not forget was a means to weaken the concupiscence in that

¹ Cyrille: Lettres festales, p. 373-375.

² Ibid., 365.

³ Ibid., p. 367.

⁴ Thomas Aquinas, IaIIae, q. 102, a. 5, arg. 1 (tome 2, p. 673).

member and to revile worship of Venus and Priapus, which gave honour to that part of the body¹.

Thomas asks: If circumcision was a profession of faith and that faith is in an apprehensive power, whose operations appear mostly in the head, why then has the sign of circumcision been conferred on the virile member and not on the head? Thomas answers: "It was fitting for circumcision to be performed on the virile member. First, because it was a sign of that faith whereby Abraham believed that Christ would be born of his seed. Secondly, because it was to be a remedy against original sin; which is contracted through the act of generation. Thirdly, because it was ordained as a remedy for carnal concupiscence, which thrives principally in those members, by reason of the abundance of venereal pleasure"².

Thomas asks: Why circumcision has been performed with a stone knife? He answers: This signified that spiritual circumcision would be done by Christ, of whom it is written: "Now the rock was Christ (I Co 10:4)³.

Thomas explains that circumcision was prescribed the eighth day "because until then a child is very tender, and so might be seriously injured; and is considered as something not yet consolidated: wherefore neither are animals offered before the eighth day. And it was not delayed after that time, lest some might refuse the sign of circumcision on account of pain: and also lest the parents, whose love for their children increases as they become used to their presence and as they grow older, should withdraw their children from circumcision"⁴. These arguments are inspired by Maimonides. Thomas adds that the eighth day meant that circumcision "foreshadowed the removal of corruption, which was to be brought about by Christ, and will be perfectly fulfilled in the eighth age, which is the age of those who rise from the dead"⁵.

Thomas says that circumcision was prescribed as a remedy for original sin. But Christ did not contract original sin. Why then was Christ circumcised? He answers:

- To prove the reality of His human nature, in contradiction to the Manicheans, who said that He had an imaginary body.
- To show His approval of circumcision, which God had instituted of old.
- To prove that He was descended from Abraham.
- To take away from the Jews an excuse for not receiving Him, if He were uncircumcised.
- To exhort us to be obedient.
- By taking on Himself the burden of the Law, He might set others free therefrom.
- To teach us to fulfil those things which are of obligation in our own time⁶.

Can one abolish circumcision whereas God has prescribed it? Thomas answers: "The Old Law is said to be for ever simply and absolutely, as regards its moral precepts; but as regards the ceremonial precepts it lasts for even in respect of the reality which those ceremonies foreshadowed". Circumcision prefigured cults of the new age instituted by Christ who declared to his death: "It is consummated" (Jn 19:31). Consequently the prescriptions of the Law must have ceased then altogether after being fulfilled. As a sign of this, we read that at the Passion of Christ "the veil of the temple was rent" (Mt. 27:51). Thomas adds that cir-

¹ Ibid., IaIIae, q. 102, a. 5, ad 1 (tome 2, p. 674-675).

² Ibid., IIIa, q. 70, a. 3, arg. 1 et ad 1 (tome 4, p. 525).

³ Ibid., IIIa, q. 70, a. 3, arg. 1 et ad 2 (tome 4, p. 525).

⁴ Ibid., IaIIae, q. 102, a. 5, ad 1 (tome 2, p. 675).

⁵ Ibid., IaIIae, q. 102, a. 5, ad 1 (tome 2, p. 675).

⁶ Ibid., IIIa, q. 37, a. 1, arg. 3; sol.; ad 1 (tome 4, p. 278-279).

cumcision was the profession of Abraham's faith in the promise that God made to him. But now that it is consummated, the same thing needs to be declared by means of another sign, viz. baptism, which, in this respect, took the place of circumcision¹. Therefore, it would be a mortal sin now to observe those ceremonies, which the fathers of old fulfilled with devotion and fidelity. But this does not apply to a man who might cut away his foreskin for health's sake, not with the intention of observing legal circumcision. And if the Apostles permitted circumcision for Jewish converts, it was only for a short period until the Gospel was spread and known².

Besides this theological debate, one should notice here that Thomas dedicated a chapter to violence against people, in which he discussed mutilation, of which he says:

It would seem that in no case can it be lawful to maim anyone. For Damascene says that "sin consists in departing from what is according to nature, towards that which is contrary to nature". Now according to nature it is appointed by God that a man's body should be entire in its members, and it is contrary to nature that it should be deprived of a member. Therefore it seems that it is always a sin to maim a person³.

Invoking Aristotle, Thomas affirms that "it is unlawful to deprive a man of his soul by killing him, except by public authority. Therefore neither is it lawful to maim anyone, except perhaps by public authority". He adds:

Hence just as by public authority a person is lawfully deprived of life altogether on account of certain more heinous sins, so is he deprived of a member on account of certain lesser sins. But this is not lawful for a private individual, even with the consent of the owner of the member, because this would involve an injury to the community, to whom the man and all his parts belong. If, however, the member be decayed and therefore a source of corruption to the whole body, then it is lawful with the consent of the owner of the member, to cut away the member for the welfare of the whole body, since each one is entrusted with the care of his own welfare. The same applies if it be done with the consent of the person whose business it is to care for the welfare of the person who has a decayed member: otherwise it is altogether unlawful to maim anyone⁴.

Thomas says that the welfare of the soul is to be preferred to the welfare of the body. He asks whether it is lawful for a man to maim himself for the sake of the soul's welfare. This question is important because one of the reasons of male and female circumcision is to limit pleasure and thus any leanings toward vice. Thomas answers:

A member should not be removed for the sake of the bodily health of the whole, unless otherwise nothing can be done to further the good of the whole. Now it is always possible to further one's spiritual welfare otherwise than by cutting off a member, because sin is always subject to the will: and consequently in no case is it allowable to maim oneself, even to avoid any sin whatever⁵.

Thomas does not specifically treat circumcision from the vantage point of mutilation. If indeed one had to consider it in light of principles that he establishes, it would be necessary to condemn the Bible for having prescribed the mutilation of others without reason of health, without the consent of the person concerned and without committing a crime.

¹ Ibid., IaIIae, q. 103, a. 3, sol.; ad 1; ad 2; ad 4 (tome 2, p. 692-693).

² Ibid., IaIIae, q. 103, a. 4. see particularly: sol.; ad 1; ad 3 (tome 2, p. 693-695).

³ Ibid., IIaIIae, q. 65, a. 1, arg. 1 (tome 3, p. 432).

⁴ Ibid., IIaIIae, q. 65, a. 1, sol. (tome 3, p. 433).

⁵ Ibid., IIaIIae, q. 65, a. 3, arg. 3 et ad 1 (tome 3, p. 432-433).

6) Position of Martin Luther

Martin Luther (d. 1546) was an Augustinian monk before leading a revolt against the Catholic Church, that excommunicated him in 1520. His revolt led to a separation within the church that continues to impact Christianity in our time through the multiple Protestant movements that don't recognize the authority of the Roman Pope. Luther translated the Bible into German, to make it accessible to the people. He also wrote important theological works, of which a French edition has been published in Geneva in 17 volumes.

We will later consider certain American Protestant groups, following a literal understanding of the Bible, who circumcise on the basis of divine medical wisdom and consider it an obligation for every male believer. This interpretation is however absent in Luther's works. When discussing circumcision, Luther's main worry was to scuttle the authority of Rome that became attached to the outside rituals to dominate the people and to enrich itself to their costs.

For Luther, circumcision, as well as baptism and other rituals, is only the outward sign of faith, and not the faith itself. It is this last point that counts, and not any outward signs, contrary to what the Catholic Church thinks¹. God changes the outward signs of faith according to the times, in order to facilitate life for men². Thus, he prescribed to the Jews sacrifices and circumcision, and then he was satisfied with the Mass and water baptism accompanied by some words³.

Luther proposes that the *Old Testament* "is abolished in this sense that one is free to either submit to it or to put it aside and that it is not any more indispensable to observe it to save one's soul, as it was once". This means that "it is not a sin to be uncircumcised, as Jews thought, as well as being no more a sin to be circumcised, as thought the pagans; but one as the other is free and legitimate as far as the one who submits himself to it doesn't think that, by circumcising himself, he can be justified and can be saved"⁴. Luther adds:

Truly, it is apparently very light thing to be or not to be circumcised, but if this clause is added: that we either feared or we are assured, it is the death, it is the hell that is added, it is God who is denied, as well as Christ, the grace and God's promises. Otherwise, if there were only the circumcision, without this addition, it would be not at all dangerous.

Then Luther makes an analogy with obedience to the Church:

If the pope didn't require the respect of his traditions as simple ceremonies, there would not be any danger. [...] But if, in these things, that are so light, not to say that they are nothing, one sees or life or the eternal death, one adds a considerable evil: it is satanic and blasphemous⁵.

Elsewhere Luther says:

Vice is not in circumcision or in uncircumcision [...] but in the use of it. To have the cult of circumcision and to adore it, to want to place justice there, the sin being in uncircumcision: there is the cursed use that is necessary to abolish; once this last is removed, circumcision and uncircumcision are then equally good things"⁶.

Although Luther considered circumcision without religious importance, letting the person free to either accomplish it or not, he doesn't treat the question of conformity to circumci-

¹ Luther: Oeuvres, vol. II, p. 189-190.

² Ibid., vol. II, p. 234.

³ Ibid., vol. IX, p. 312.

⁴ Ibid., vol. IV, p. 24-25.

⁵ Ibid., vol. XV, p. 106.

⁶ Ibid., vol. XV, p. 109.

sion as a matter of physical integrity or by questioning if a father can morally impose circumcision on his minor son. It is the same problem as noted concerning other authors, who were interested in showing the correlation of circumcision with eternal salvation and not ethics.

Section 3.

Present debate among Christians

We saw before that Christian holy books and writings of the Church Fathers and other theologians abolished the obligatory character of the circumcision as sign of alliance between God and the Jews, and replaced it by baptism as the mark of entrance into the new covenant opened to all, without distinction between Jews and non Jews, or between men and women. Nevertheless, some oriental Christians, notably in Egypt, continued to practice circumcision. For divergent reasons, some Western Christians, most notably in the United States, returned to the practice of circumcision, not only for socio-medical reasons, which we will treat in the following part, but also for religious reasons, discussed in the following two sections. Let's emphasize here that these two groups also practiced and/or still practice female circumcision.

Sub-section 1.

Debate among Egyptian Copts

1) Male circumcision among Copts

The Jews and Judeo-Christians tried to introduce circumcision in pagan society, as it became progressively Christian. Paul and the Church Fathers were opposed to this tendency, opposition sustained by the unpopularity of this practice among non-Jewish and Roman laws, that forbade Jews to circumcise non-Jewish.

Egypt has been governed by Romans, but Roman laws were not applied in a rigorous manner in this part of the world far away from Rome, notably with regard to circumcision practiced by both Jews and adherents to old Egyptian religion. Roman laws allowed Egyptians to perform circumcision, provided proof they were of the priestly class. Besides, Jews continued to spread their faith in this country among non-Jewish and to circumcise them as well as their own slaves¹. As in Palestine, some Egyptian Jews became Christian and formed a separate community, maintaining Moses' laws and practicing circumcision². Attacks by Origen and Cyril on this practice are an answer to this Judeo-Christian community.

The Jews of Arabia also continued to practice circumcision. Some converted to Islam with the arrival of Muhammad and deeply influenced the Muslim community, as we will see in the next chapter. They succeeded thus in introducing some Jewish elements there, i.e. circumcision, whereas they had failed to succeed in Rome.

With the Muslim conquest of Egypt, the Copts of Egypt found themselves between three fires: Judeo-Christians, local Jews and Muslims influenced by Jews. They ended by adopting male circumcision and forgetting the firm position of Cyril against this practice. Bishop

¹ Dictionnaire d'archéologie chrétienne, tome 3, part 2, col. 1712-1715.

² Bagatti, p. 25.

Michael, metropolitan of Damietta of the 12th century, reports the following legend to explain how male and female circumcision had been introduced among the Copts:

After Sarah had driven away Hagar from her house and her son Ishmael with her, as the Law affirms, Hagar withdrew to Yathrib of the country of the Higaz and to Faran. And Ishmael grew up, and God beautified him in the eyes of the women of the people of Yathrib, and they asked his mother to give him in marriage. And she said: We are a circumcised people, both the men and the women of us, and we do not marry, except with those like us. And when they (the women) had circumcised themselves, Ishmael married them, and God fulfilled His promise to him, and granted to him twelve princes. And circumcision spread in that country and in that which was neighbouring to it, and it became firmly established among the Copts of Egypt when they witnessed the victory of God for the circumcised, namely the children of Israel. And when the Apostle Mark evangelized them, he did not disapprove of it for them, and they continued it. And, indeed, Paul said: "He who is called to the faith being uncircumcised, let him not be circumcised, and he who is called being circumcised, let him not be return to uncircumcision" (I Co 7:18), that is to say, his children who survive him, and the children of his children shall be circumcised as he. And Paul circumcised his disciple Timothy (Acts 16:3). And he (the writer) said that it is supposed that the Copts circumcise themselves and shave their hair [pubis] on account of their dwelling among Muslims, but this is not correct, for they were thus before the Muslims; and as a proof, the Nubians and the Abyssinians are thus. We do not consider that the prepuce is impure and that circumcision is pure, but only he who does it among us, does it for the sake of custom, and not on account of the Jewish law; since we do not perform it on the eighth day nor at any definite time, and also we do not perform it after Baptism¹.

The famous Coptic theologian Ibn-al-Assal (d. ca 1265) explains the practice of male circumcision in his community. He says that circumcision was previously for the Jews a sign to distinguish them from other nations. For Christians, the distinctive sign of baptism has replaced it. If male circumcision continues to be practiced by them, it is as a custom only and has no religious obligation. For this fact, it is not done on the 8th day as prescribed by the Bible, and it is not permitted to do it at this age. It is an optional act, according to Paul: "Circumcision is nothing, and uncircumcision is nothing; but obeying the commandments of God is everything" (I Co 7:19). But it is prohibited to perform it after baptism.

Ibn-al-Assal adds that if circumcision were forbidden, Paul would not have circumcised Timothy (Acts 16:3). To the objection that Paul circumcised him by necessity, he answers that circumcision belongs to the category of customary practices of every religious community. So too Nubians and Ethiopians scarify the face, men in the West shave the beard, and Byzantine priests shave the middle of the head. If one tells us that their patriarchs ordered such practices, we can answer that the Coptic patriarchs allowed Copts to practice circumcision. If therefore Paul circumcised by necessity and for utility, it is the same for the Copts. Indeed, as Christian minority living among people that circumcise, the Copts were tempted to circumcise their children after baptism. However, it is forbidden to do so thereafter. On the other hand, circumcision can be practiced for utility: some distinguished physicians and philosophers say that circumcision weakens the sense of pleasure, and it is thus unanimously desirable². The reference is certainly to Maimonides who died in Cairo in 1204.

¹ Burmester: The sayings of Michael, Arabic text, p. 113-114; English transl. p. 123-124

² Ibn-al-Assal, vol. 2, p. 418-421.

Ibn-al-Assal insists that circumcision must not be performed after baptism, because it would lessen the value of this last rite, and thus constitute a sin. He concludes that circumcision doesn't play any role in salvation, contrary to baptism, which is indispensable to be saved. Baptism replaced circumcision for salvation¹.

Circumcision was a major object of controversy between the Catholic Church, and the Church of Egypt and Ethiopia. In Florence's Council (1431-1445), to which Andrew, Abbot of the monastery of Saint-Anthony in Egypt, participated as messenger of John, Patriarch of the Jacobites. On February 4, 1442, the Council adopted a Bull of union with the Copts. This Bull mentions essential points of the Christian faith and recalls the church's position with regard to circumcision:

It [the church] firmly believes, professes and teaches that the legal prescriptions of the *Old Testament* or the Mosaic law, which are divided into ceremonies, holy sacrifices and sacraments, because they were instituted to signify something in the future, although they were adequate for the divine cult of that age, once our lord Jesus Christ who was signified by them had come, came to an end and the sacraments of the *New Testament* had their beginning. Whoever, after the passion, places his hope in the legal prescriptions and submits himself to them as necessary for salvation and as if faith in Christ without them could not save, sins mortally. It does not deny that from Christ's passion until the promulgation of the gospel they could have been retained, provided they were in no way believed to be necessary for salvation. But it asserts that after the promulgation of the gospel they cannot be observed without loss of eternal salvation. Therefore it denounces all who after that time observe circumcision, the sabbath and other legal prescriptions as strangers to the faith of Christ and unable to share in eternal salvation, unless they recoil at some time from these errors. Therefore it strictly orders all who glory in the name of Christian, not to practice circumcision either before or after baptism, since whether or not they place their hope in it, it cannot possibly be observed without loss of eternal salvation².

In spite of this bull, circumcision continues to be widely practiced among Egyptian Copts, to a rate that approaches 100%. But there are no clear statistics.

Bishop Gregorius, second in the hierarchy of the orthodox Coptic Church, wrote a booklet, in Arabic, titled *Circumcision in Christianity*. He explains that circumcision in the *Old Testament* was a preparation of the Christ's arrival. The blood of circumcision refers to the blood of the saviour Christ. After Christ's arrival, circumcision has been replaced by baptism. And if it is still practiced, it is for hygienic reasons, as one would cut nails in order to avoid the accumulation of dirt and microbes. Gregorius affirms: "Circumcision for boys is a good and useful thing, but it isn't a prescription of the Christian religion. Whoever abandons it is not punished"³. But Gregorius insists, quoting Ibn-al-Assal, that circumcision must be performed before baptism, and not thereafter⁴.

In answer to a demand of the Catholic Greek Bishop in the United States concerning circumcision, Gregorius writes:

Male circumcision among the Copts is an inherited and respected custom having roots in ancient Pharaonic Egypt. It was in the *Old Testament* the symbol of the baptism, and this one replaced it in the *New Testament*. For this fact, circumcision lost its religious

¹ Ibid., vol. 1, p. 17-18.

² Decrees of the ecumenical councils, vol. I, p. 575-576.

³ Anba Gregorius: Al-khitan, p. 20-27. See also Anba Gregorius: Al-qiyam al-ruhiyyah fi sir al-ma'mudiyyah, vol. 2, p. 47-58.

⁴ Anba Gregorius: Al-qiyam al-ruhiyyah fi sir al-ma'mudiyyah, p. 30.

meaning among Copts and became a hygienic and useful custom for physical cleanliness and prevention of illnesses resulting from filth of the foreskin when dirt and microbes accumulate there. As the symbol of baptism, the church is careful to warn believers that it must be performed before baptism, and draw their attention to the laws of the church that order it¹.

Having analysed texts of both *Old* and *New Testament*, Maurice As'ad, President of the Oriental Churches Council, says that circumcision is "the achievement of God's promise with our Father Abraham". Whereas, in Christianity, "it stopped being an obligation and the apostles decided this affair in their council of Jerusalem in the 1st century. Therefore it has not been any more to the Christian of non Jewish origin"².

The code of the orthodox Coptic church of 1994, established by Awni Barsum, president of the appeal court of Cairo, treats male (and female) circumcision in different articles³. So article 23 states:

Our affiliation to our Lord Jesus is established by the acceptance of the grace of the Holy Spirit received at the time of the holy baptism.

The commentary adds:

We believe that our circumcision doesn't consist in removing the foreskin, a carnal circumcision for the separation of races, but a spiritual circumcision as stated in the holy book [...] (Col 2:11-12). Male circumcision is a hygienic operation done physiologically by the physician, by amputating the foreskin as a measure of health, whereas in the old Law it was a sign of distinction of men of God of the *Old Testament*.

Article 51 states:

Holy baptism is the complete immersion three times in the baptismal water in the name of the holy Trinity to be saved of sin and to be born of God by circumcision of the heart and the spirit.

The commentary adds:

The baptism became the spiritual circumcision of the human being. Contrary to the circumcision of the *Old Testament* that consisted in amputating the foreskin, it is the circumcision of the heart and the spirit (Rm 2:29). By baptism, man strips off the old self and clothes himself with Christ [...] (Col 3:9-10; Rm 6:4-5).

In another commentary, Barsum writes:

Male circumcision became an established religious thing, and medical data demonstrated that the ablation of the foreskin is beneficial for health by preventing the accumulation of dirt or secretions behind the foreskin, which provoke damage. Thereafter, people convened through centuries to practice it, either by faith or by custom as hygienic for man⁴.

One can conclude therefore that for Coptic religious authorities circumcision stopped being a religious ritual and has been replaced by baptism. Nevertheless, it continues to be practiced, or even advised, before baptism, for hygiene and custom. No one among the Copts doubts its hygienic or moral character, contrary to positions among some Western Christians and Jews. These authorities even seem to be unaware of the theological and philosophical opposition of Origen or Cyril to circumcision. When I discussed the matter with

¹ Anba Gregorius: *Al-khitan*, p. 30-31.

² As'ad: *Khitan al-banat*, p. 4.

³ Barsum: *Al-taqnin al-kanasi*.

⁴ *Ibid.*, p. 287.

simple Copts, they generally repeat the same religious argument as his Muslim compatriots. They say that God has prescribed circumcision to Abraham. Similarly, when I asked Mrs Ras-Work, Coptic Ethiopian, President of the Inter-African committee, why she fights against female circumcision but keeps silent concerning male circumcision, she answered me with an equal lack of theological knowledge, in the symposium of Lausanne of 1996: "Male circumcision is prescribed by the Bible and I have circumcised my sons".

2) Female circumcision among Copts

We indicated in the section concerning female circumcision among the Jews that it was performed in Egypt before Christ. It was maintained after Copts converted to Christianity and later to Islam.

Aetius of Amida (6th century), the court-physician at Byzantium, mentions this operation in Egypt and its reasons. He writes:

With certain of the women clitoris increases in growth and becomes unseemly and shameful, but also being continually rubbed by their garments it excites them and rouses the desire for copulation; wherefore, on account of its increased size, the Egyptians determined to take it off, especially at the time when girls were ready to be married. The surgery is accomplished in this manner. They cause the girl to be seated on a stool, and a strong young man standing behind her, places his forearms beneath her thighs and buttocks, holding fast her legs and her whole body. The operator standing in front of her seizes with a wide-mouthed forceps her clitoris, pulling it out with his left hand, whilst with his right hand he cuts it off with the teeth of the forceps¹.

Someone asked Athanasius, bishop of Qus in Egypt at end of the 13th century, if female circumcision were allowed. He answered: it is not allowed, neither before nor after baptism². Despite this interdiction, it continued to be practiced. In his travel reports between 1768 and 1773, James Bruce provides us with interesting details concerning Catholic missionary endeavours to forbid this practice in Egypt. He writes:

When the Roman Catholic priest first settled in Egypt, they did not neglect supporting their mission by temporal advantages, and small presents given to needy people their proselytes. But mistaking this excision of the Coptic women for a ceremony performed upon Judaical principles, they forbade, upon pain of excommunication, that excision should be performed upon the children of parents who had become Catholics. The converts obeyed, the children grew up, and arrived at puberty. But the consequences of having obeyed the interdict were, that the man found himself to a very disagreeable inconvenience, to which he had conceived an unconquerable aversion, and therefore he married a heretical wife, free from this objection, and with her he relapsed into heresy.

The missionaries therefore finding it impossible that ever their congregation could increase, and that this accident did frustrate all their labours, laid their case before the College of Cardinals de propaganda fide, at Rome. These took it up as a matter of moment, which it really was, and sent over visitors skilled in surgery, fairly to report upon the case as it stood; and they, on their return, declared, that the heat of the climate, or some other natural cause, did, in that particular nation, invariably alter the formation so as to make a difference from what was ordinary in the sex in other countries, and that this difference did occasion a disgust, which must impede the consequences for which matrimony was instituted. The college, upon this report, ordered that a declaration, being first made by the patient and her parents that it was not done from Judaical inten-

¹ Meinardus: *Christian Egypt*, p. 325.

² Anba Gregorius: *Al-khitan*, p. 9.

tion, but because it disappointed the ends of marriage, "*Si mode matrimonii frustus impediret id omnino tollendum esset*": that the imperfection was, by all manner of means, be removed; so that the Catholics, as well as the Copts in Egypt, undergo excision ever since. This is done with a knife, or razor, by women generally when the child is about eight years old¹.

Nowadays, Copts try to fight against female circumcision, invoking two reasons. The first is that it was not mentioned in their holy books. The second: it damages health.

In his aforementioned answer to the Catholic Greek Bishop in the United States, Bishop Gregorius says that female circumcision is a mistake, "because it kills a vital part of the woman's body". He adds: "We teach to our people that circumcision ordered by God in the *Old Testament* is limited to males"².

Elsewhere, mentioning Athanasius, he says: "Christian law doesn't permit female circumcision, and the Christian sources are unanimous in this domain"³. He adds: "Female circumcision is a mistake and a sin; it is forbidden by religion, humanity and health. It constitutes for the woman a similar offence in some of its aspects to the offence of the emasculation of the penis of the man"⁴. He invokes the opinions of Christian and Muslim physicians in Egypt⁵.

In a study dedicated to this practice, Maurice As'ad, President of the Oriental Churches Council, says that no reference to it exists in the holy books and that it is a Pharaonic custom transmitted through the ages; mothers continued to perform it on their girls and a lot of fathers preferred it believing that it protects the girl's chastity"⁶.

Despite the fact that Christian holy books do justify neither male circumcision nor female circumcision, As'ad distinguishes between the two. He rejects female circumcision

not only because it is mentioned in neither *Testament*, but because it constitutes a repugnant and inhuman operation in which one amputates parts of the woman's genitalia. Christianity that doesn't permit mocking God's creation, forbids such an amputation of the girl's body. God created man and woman in conformity to his noble picture, and mankind does not have the right to amputate a part of her body. Female circumcision differs from male circumcision because this last doesn't amputate a part of the body, but only an outside membrane without touching the male genital organ itself. Female circumcision, on the contrary, is an amputation of some parts of the girl's genitalia, i.e. the clitoris in part or in totality and sometimes the two lips, notably in the far south of Egypt and in Sudan. Physicians report to us complications resulting from such a circumcision⁷.

As'ad adds that female circumcision is not practiced at all by Christians in Europe, the United States and the majority of the Christians in Asian and Arab countries such as Syria, Lebanon, Iraq or Palestine⁸. He proposes that "the attachment to the Christian faith requires Christian leaders to be involved in the national struggle against female circumcision in obligation of the church to participate in national efforts to enlighten citizens in problems of man and society"⁹.

¹ Bruce, vol. 3, p. 348-349.

² Anba Gregorius: *Al-khitan*, p. 30-31.

³ *Ibid.*, p. 9.

⁴ *Ibid.*, p. 19.

⁵ *Ibid.*, p. 10-19.

⁶ As'ad: *Khitan al-banat*, p. 7.

⁷ *Ibid.*, p. 8.

⁸ *Ibid.*, p. 9.

⁹ *Ibid.*, p. 10.

The code of the orthodox Coptic Church aforementioned states in its article 335:

Christian law disavows female circumcision and doesn't admit any violation to the nature of the woman's body.

After having permitted male circumcision, the commentary says:

Female circumcision is a violation of the woman's nature because it consists in the ablation of essential organs of her body full of very appreciable veins, depriving her thus of a natural sensitivity having an efficient role in the success of the sexual relation and the preparation to reach the top of the sensual and sentimental pleasure in this relation, which is her right as a partner [...]. Therefore, female circumcision is a violation to the nature of her body and a violation of human rights. Its goal looks like the administration of a disciplinary measure on a woman who has not committed a crime. Such a practice is an ignorant contention against the true nature that God wanted for woman. It is discrimination in the thought.

Furthermore, this practice is sanctioned in civilized countries as voluntary injury [...]. God's creature is pure and acceptable and we must not contest or modify it according to our will. So it is not permitted to deprive the woman of her hair or her beauty that God gave her without being a stone of obstacle for others. The holy book says: "if a woman has long hair, it is her glory. For her hair is given to her for a covering" (I Co 11:15)¹.

An Egyptian book on traditional practices condemns female circumcision from the Christian viewpoint because it constitutes a change of God's creation. It invokes here Paul who says: "God arranged the members in the body, each one of them, as he chose" (I Co 12:18) as well as Genesis that says: "God created humankind in his image, in the image of God he created them; male and female he created them" (Gn 1:27)².

The distinction that Copts make between male and female circumcision is the same as we find among Muslim and Western authors opposed to female circumcision. But it lacks logic and is ungrounded, as one will see it in the medical debate. There is no basis for regarding female circumcision as a change of God's creature, but not male circumcision. Whereas Cyril had considered this last as a reprehensible change. Oddly, no reference is made to Cyril, who is still considered by the Copts as a pillar of the church.

Sub-section 2.

Debate among American Christians

The United States is the largest Christian country in the world to extensively practice male circumcision (about 60%) for various reasons, starting with preventing masturbation and ending with preventing AIDS. But the literal interpretation of the Bible also played a role in the propagation of this practice.

Female circumcision was also introduced in the United States in the late 1860s, actually ten years before male circumcision³, and it continues to be practiced there at a lesser rate. As for male circumcision, female circumcision was practiced to prevent masturbation. While behind this last reason a religious argument lurks, there is in the United States no debate that justifies female circumcision on a religious basis. Therefore, we leave the discussion of

¹ Barsum: *Al-taqnin al-kanasi*, p. 287-288.

² *Al-mumarasat al-taqlidiyyah*, p. 24.

³ Wallerstein: *Circumcision: an american health fallacy*, p. 13, 14.

the link between religion, masturbation and female circumcision to the medical debate, limiting our development here to male circumcision.

1) Literal interpretation of the Bible

When a *mohel* circumcises a Jewish child, religion dominates the decision of the child's parents and of the circumciser. And when a Christian physician circumcises a Muslim child, the child's parents have the intention of accomplishing a religious act, whereas the physician only tries to perform a surgical operation. If both parents and physician are Christian, often the religious factor is absent, and all parties involved have a medical goal in mind.

But whatever the stipulated reason behind circumcision, religion remains a present factor. Even supposed medical reasons hide religious justifications that comprise part of American culture, whether consciously or unconsciously. In addition, there is a Christian fundamentalist movement, notably among evangelical Protestants, who overtly maintain circumcision for explicitly religious reasons. They view the Bible as a book completely revealed by God. Everything that is prescribed there is truthful, without distinction between *Old Testament* and *New Testament*. Therefore, the order given by God to Abraham to circumcise himself and his descendants remains in force, applying to all. God cannot have given such an order if he didn't see a good there for men. This Christian fundamentalist movement generally sustains the Jews even on the political level. However, as we have already noted, one doesn't find such a position in the writings of Martin Luther, founder of Protestantism. How was such a position conceived?

Jim Bigelow, pastor and psychologist opposed to circumcision, wrote that Christian conversion to circumcision began under the influence of a competition between religious leaders and physicians at about the turn of the 20th century. At that time, the role of the doctor, and that of the entire field of medicine, changed dramatically. Suddenly, the priest and the minister found themselves competing with the doctor in terms of giving advice and counsel in matters of health and even life style. Modern medicine began to take on a rather god-like aura, certainly where issues of life and death were concerned. Diseases, which were seen before as most likely terminal, and often as an act of God, were re-examined in light of new discoveries, and rendered both treatable and preventable. It was, therefore, to modern medicine that Americans increasingly looked for relief from their suffering and cures for their diseases. Unfortunately, for the American male, preventive medicine early in the 20th century incorporated the practice of routine infant male circumcision. This fact is especially unfortunate because it set off a counter-reaction within large segments of the Christian community. That reaction not only helped to establish and legitimize the procedure, but also worked to retain it long after claims of medical benefit have been successfully challenged and the practice set aside elsewhere in the industrialized world. The overwhelming reaction among American Christians, not unlike that of some Jews, was a rather smug: "We told you so! Our God has always been right. You just think that you discovered a good thing. We've known about it for centuries". It was indeed a kind of "anything you can do, our God has always done better", or, at the very least, "Our God said it long before you did". The medical profession was simply not going to be allowed to upstage God!

For the first time in 2,000 years, mainstream Christianity began to look with new eyes at this previously rejected *Old Testament* teaching. If infant male circumcision was right, what about other *Old Testament* ordinances? By mid-century, the trend was set. *Old Testament* law would take its place in modern-day Christianity in the guise of medical pre-

scription¹. Some physicians, anxious to eat at both the table of medicine and religion, joined the religious trend. We should note here that this phenomenon exists among Jews and Muslims, as we will see elsewhere. We limit ourselves here to four documents illustrating this Christian American stance.

A) Position of Mcmillen

McMillen, a Christian physician, published a book titled *None of these diseases*, in 1962. This work is now in its' 15th edition, updated by his grandson the physician Stern in 1995. The cover indicates that a million copies have been sold. The title of the book is inspired of the biblical verse that says:

If you will listen carefully to the voice of the Lord your God, and do what is right in his sight, and give heed to his commandments and keep all his statutes, I will not bring upon you any of the diseases that I brought upon the Egyptians; for I am the Lord who heals you (Ex 15:26).

McMillen says:

Medical science is still discovering how obedience to the ancient prescriptions saved the primitive Hebrews from the scourges of epidemic plagues; and medical research is constantly proving the timeless potency of the divine prescription for modern diseases. Yes! Obedience to the biblical precepts is still the most effective way to prevent many of the afflictions of mankind².

In every edition, this book dedicates a chapter to circumcision. In the 15th edition³, it reports a case of cancer of the penis that led to death. The case is commented: "What makes his death even more tragic is the fact that medical science has now proved that cancer of the penis is almost entirely preventable by following an instruction that God gave to Abraham over four thousand years ago". The book pretends then that Jews are immune to this disease because they are circumcised. It mentions that in 1932, Dr. Wolbarst of New York reviewed the records of 1,103 cases of cancer of the penis and found that among all these cases there was not even one Jew. It adds that Jewish men are not the only men "immune" to this disease. Researchers have found that any man circumcised in infancy will also enjoy this immunity⁴.

This book states that the Bible prescribed to circumcise the child the eighth day for a reason that the science discovered later. At that day, vitamin K is at its highest level in the blood, helping for its coagulation. Before that day, there is a great risk of haemorrhage, and if circumcision is done when the child is older, it provokes traumatism. The book comments:

We should commend the many hundreds of workers who laboured at great expense over a number of years and found that the safest day to perform circumcision is the eighth. Yet, as we congratulate medical science, we almost hear the pages of the Bible rustling. When we turn to Genesis 17:12, we read God's words to Abraham: "every male among you who is eight days old must be circumcised". Abraham did not pick the eighth day after many centuries of trial-and-error experiments, although many modern physicians think otherwise.... The eighth day was not picked by some genius in statistical analysis but by the Creator of vitamin K⁵.

¹ Bigelow: The joy, p. 83-84.

² McMillen, p. 15.

³ Ibid., p. 87-96.

⁴ Ibid., p. 87-88.

⁵ Ibid., p. 92-93.

Answering those among the Jews who think that there is no evidence which supports that Jewish circumcision was instituted for health reasons, the book says:

I grant ... that God may have had other reasons than the health of his people in mind when He instituted circumcision; but the fact remains that the ancient Hebrews, whether they knew it or not, gained health benefits from following God's command ... This is true of all God's commandments; if we obey them, even if we do not know the specific reason for the command, we will reap temporal and eternal benefits¹.

Let's note here that the information provided by this book about the vitamin K is not accurate. This vitamin is insufficient before the 15th day. On the other hand, the newborn is often exposed to jaundice and his foreskin is rarely detached from the glans. It means that circumcision at this age can provoke fatal haemorrhage, reason for which one should not perform it before the age of 3 to 4 years².

B) Position of Dan Gayman

Pastor Dan Gayman published a booklet titled *Lo, children... Our heritage from God*. This title is inspired of the biblical verse that says:

Sons are indeed a heritage from the Lord, the fruit of the womb a reward. Like arrows in the hand of a warrior are the sons of one's youth. Happy is the man who has his quiver full of them. He shall not be put to shame when he speaks with his enemies in the gate (Ps 127:3-5).

This booklet proposes that circumcision is a useful divine order for health and morals. Abraham's descendants must submit to it, including Christians. Baptism didn't replace it, the proof being that Paul himself circumcise Timothy (Acts 16:3). And if Paul chose not to circumcise Titus, it is because his circumcision would be misunderstood as a requirement for salvation (Ga 2:3). Gayman says: "We do not circumcise our male children on the 8th day of life to assure their salvation, but to confirm that they are the seed of Abraham and because we want to maximize obedience to the law of our eternal God"³.

Gayman adds that the Bible shows a close relationship between circumcision and moral purity. The term uncircumcision is used to signify immoral men, as in Ez 44:7-9. The purpose of circumcision is to decrease sensual pleasure for the man. Uncircumcised men are more sexually promiscuous and women married to uncircumcised men have a significantly higher rate of cervical cancer. Uncircumcision leads to masturbation. When God prescribed circumcision, he knew what he was doing. Finite human minds fail to realize that when God gives a command, there will be many manifold blessings for those who keep his commandments. Gayman furthermore claims that we can only know Jesus Christ by keeping his commands (I Jn 2:3), one of these commands being circumcision⁴. Then he gives a list of medical advantages of circumcision, which must imperatively be performed on the eighth day to merit divine blessing⁵.

C) Position of Lindsey

In his booklet titled *Harmony of Science and Scripture*, Lindsey writes that it is necessary to circumcise "because circumcision represents a commitment to God's will, or at least an identification with His will. Certainly God would never have commanded the Jewish people to do anything harmful to themselves. Even if people do not believe the statistics re-

¹ Ibid., p. 93-94.

² Al-Qadiri, p. 97-98.

³ Gayman, p. 14-15.

⁴ Ibid., p 15.

⁵ Ibid., p. 18.

garding the need of circumcision for cleanliness' sake, at worst, it is a very minor and a neutral operation from the physical point of view. Again the key issue is clear: God"¹. He adds: "The real reason some doctors are against circumcision is because they are against God. The non-Christian detests any act associated with the God of the Bible, and circumcision is a reminder of the covenant between God and man"². "Not only can [circumcision] have value when it comes to one's health and well being, but also it can serve as a reminder of our covenant relationship with Christ... If nothing more, circumcision can be a means of identifying with the people of God". This identification with the Jews is a condition to obtain God's blessing³.

D) Position of Armstrong

In his booklet titled *The missing dimension in sex*, Armstrong explains that God made circumcision obligatory in the Old Covenant. Under the New Covenant, circumcision, ordained forever, is physically, but not spiritually, abolished. The apostle Paul instructs that circumcision, as a religious rite, is no longer physical but spiritual – of the heart – not of the flesh. Nevertheless, "it most certainly is allowed ... for pure physical and sanitary reasons". Therefore, Armstrong "most strongly recommends it for all boy babies". He explains that it is necessary, in the case of an uncircumcised male baby, for the mother to regularly push the prepuce back behind the glans penis, and wash it; and as he grows old enough, the boy must be taught to do this regularly. The procedure "is very likely to stimulate sex arousal, and lead to masturbation". Armstrong adds: "(Circumcision) is not now a physical religious command, but when God circumcised Abraham at age 99, and commanded it forever for his descendants ..., it could not have been harmful. And even though the method of the rite as a religious command is transferred from a physical to a spiritual means, I am sure I have the approval of the Lord in making the most urgent recommendation for circumcision, for sanitary, health and moral protection".

For Armstrong, circumcision must be performed on the eighth day imperatively, because this is the day ordered by God. One should not permit circumcision at the time of birth, as physicians do today for their own selfish convenience. They simply do not want to be bothered the second time, on the eighth day. He adds that some doctors are cutting off too much foreskin, or all of it. One should leave a little of it because "if too much, or all of the foreskin is cut off, the skin is drawn back from the point of joining with the glans on erection, and this causes undue arousal and temptation"⁴.

These attitudes and claims have become common throughout modern-day Christianity. For instance, Pat Robertson, the TV evangelist who ran for president in 1988, has stated: "If God gave instructions to his people to be circumcised, it certainly would be in good judgment as God is perfect in wisdom and knowledge"⁵.

We will see in the following part dedicated to the medical debate that this attitude can be found among both Jews and Muslims.

2) Refusal of the literal interpretation

Opponents to male circumcision realize the influence that a literal interpretation of the Bible can play in maintaining this practice. Therefore, they attempt to give their point of view. We limit ourselves to two American authors who are influential in the American opposition to male circumcision.

¹ Lindsey, p. 120-121.

² Ibid., p. 122.

³ Ibid., p. 123.

⁴ Armstrong, p. 157-159.

⁵ Bigelow: *The joy*, p. 84.

A) Position of Jim Bigelow

Jim Bigelow is a pastor, a psychologist, founder of UNCIRC, and author of the book titled *The joy of uncircumcising*.

Bigelow states that if it is necessary to perform circumcision in obedience to God's commands, then it is necessary to obey *all* his commands, including those that concern food, but that no Christian in the West respects. He mentions the following biblical verse that would make scandal if it were applied nowadays: "You shall not eat anything that dies of itself; you may give it to aliens residing in your towns for them to eat, or you may sell it to a foreigner. For you are a people holy to the Lord your God" (Dt 14:21).

Bigelow insists that it is not his intention "to make light of the Jewish law and traditions" which he cites. He "merely contends that they are better understood, as religious observances, in terms of the "seal of the covenant" and symbolic purity and sacrifice than as medical prescriptions"¹. He mentions different biblical norms concerning what is clean and unclean: mammals, sea life, mammals dead of natural causes, blood and fat which should not be eaten, fruit of young trees, preparation and cooking laws, contact with the carcass of an unclean and forbidden creature, contact with a dead person, menstrual flow, seminal fluid, childbirth. For Bigelow:

Clearly, none of these ordinances reflect modern-day medical knowledge or attitudes concerning the various functions of the human body or its fluids. The states of clean vs. unclean relative to the human body are clearly determinations dispensed by God to teach symbolic lessons of purity and uniqueness as a people and, particularly, obedience relative to God's authority. When the Apostle Peter argued with God in a vision over clean vs. unclean relative to certain foods, God's words to him were clear: "What God has made clean, you must not call profane" (Acts 10:15)².

He adds that if biblical circumcision were to be considered profitable for health, it is necessary to depart then from circumcision as practiced in our time by either Jews or physicians, which differs from that performed in the time of Abraham and consisting solely in the removal of the tip of the foreskin³.

Bigelow asks: "If, as some suggest, God conceived infant male circumcision as a protective health measure, doesn't it seem rather strange that he risked not only the health of the individuals born in the Wilderness but the very propagation of the new generations who were to claim the promised land?... Was their circumcision, as they crossed over the Jordan into the promised land, a matter of health or symbolic holiness?⁴" Commenting Paul who says: "Circumcision is nothing, and uncircumcision is nothing" (I Co 7:19), Bigelow says:

What he did say is that it is nothing, and that ought to be enough for any *New Testament* believer. Furthermore, I cannot imagine God allowing Christian men (and some continue to contend their wives) to be at risk for 2,000 years for tragic diseases from which he had protected Israel. Surely, God would have spoken far more clearly about circumcision in the *New Testament* if such benefits had been his intention. Finally, if one believes in the inspiration of the Scripture, then the words "Circumcision is nothing" were inspired by the Holy Spirit and are not just the opinion of the Apostle Paul⁵.

¹ Ibid., p. 84-85.

² Ibid., p. 85-86.

³ Ibid., p. 86.

⁴ Ibid., p. 86.

⁵ Ibid., p. 87.

Answering to those who invoke that Jesus was circumcised, he says that Joseph and Mary were Jews and that they were held to honour Jewish law. But Jesus came to teach a new commandment of love rather than strict obedience to this ordinance (Jn 13:34). Because of that relationship, he, as the Christ, is the end of all law and the Christian's only valid sacrifice, once and for all (Rm 10:4; He 10:10-12). His circumcision was, in fact, an act of obedience to Jewish law by his Jewish parents. Therefore, to emulate his physical circumcision is to follow Joseph and Mary's example, not Jesus' own choices, acts, or teachings concerning righteousness and the kingdom of God¹. Bigelow concludes as follows:

Logically, you cannot pick and choose at will. *Old Testament* law handed down by an all-wise God is either *all* good medicine or it is *all* something else! In looking over just those ordinances we've discussed in this chapter, it seems quite justifiable to conclude that God's intent and purpose was not to reveal medical knowledge in the law but to fashion a unique people upon earth².

I agree with Bigelow that the Bible is not a book of medicine, and while the Bible proposes to identify the Jews as a unique people, we don't share his view that this premise is fact. The Bible contains both valid moral teachings, and others that are contrary to present principles of human rights. It is therefore useless to proceed with so such acrobatics to justify the Bible.

B) Position of Rosemary Romberg

Rosemary Romberg is a nurse married to a Jew, author of an important work on male circumcision³. What interests us here is an article distributed as a photocopy, and later on the Internet, titled: *Circumcision and the Christian Parent*.

She says that Christian parents may already be aware that babies experience a severe amount of pain when circumcised, the foreskin serves as a protective and useful purpose as it covers the more delicate glans, cleanliness of the intact penis is an extremely simple matter, some babies experience serious complications from the operation, any diseases that circumcision has been purported to "prevent" (such as penile cancer) can easily be prevented by non-surgical means, and that babies are human beings with inalienable rights including freedom from unnecessary pain and body alteration. However, some Christian parents, even after hearing and taking this information to heart, may still retain a feeling that circumcision must be a good thing to do simply because of its association with the Bible. Somehow for many people (at least in North America) the word "circumcised" sounds good. Romberg tries then to answer this argument.

She explains that at the time of Abraham, circumcision was established as a covenant between God and the Hebrew people. There are many speculations as to the reasons and background of this particular practice. Many historians believe that the early Hebrews practiced a simple gashing of the foreskin rather than the more drastic and traumatic practice that is done today with clamps and scalpels. Many other primitive tribes also practiced circumcision, well before the time of Abraham. Its actual beginnings were Pagan in origin. This ritual is very much different from the medical routine performed in hospitals on non-Jewish babies.

Romberg argues that Christians are not bound by *Old Testament* practices and should not circumcise because of Christian principles. Here are her major arguments:

¹ Bigelow: Evangelical christianity in America, p. 176.

² Bigelow: The joy, p. 87.

³ Romberg: Circumcision.

- Many people now realize that there were many customs and practices that were common in *Old Testament* times, such as burning up birds and animals as ritual sacrifice, which may have made sense to those people at that time, but have little relevancy or acceptability today.
- When the Gospel was to be spread to the Gentile world, during the time of Paul, circumcision of Gentile converts was a matter of intense debate. Circumcision was dangerous, painful, and culturally repugnant to the Greeks and Romans. Early Christian church authorities quickly decided that circumcision was unnecessary. She quotes here Galatians 5:1-6 and 6:12-16, and Philippians 3:2-3.
- There is no place in the Bible that states that a male is cleaner if he is circumcised. There are, however, many places in which the concept of circumcision is used metaphorically. In Deuteronomy 10:16 people are admonished to "circumcise the foreskins of their hearts". Jeremiah 6:10 berates the unrepentant who cannot hear because their "ears are uncircumcised". In Acts 7:51, Stephen declared: "You stiff-necked and uncircumcised in heart and ears, you always resist the holy Ghost". And in Romans 2:29 Paul states "He is a Jew, that is one inwardly: and the circumcision is that of the heart, in the spirit, not in the letter".
- To the argument that Jesus was circumcised, Romberg answers: Jesus was circumcised because he was a Jew. Mary and Joseph had little choice about the matter in that time and place. Although Christian churches today rarely focus on this, at one time early Christian writers gave much attention to the circumcision of Christ - not as any perfecting or purification of the body, but as an act of further debasement to which he submitted after assuming human form. She quotes Ambrose: "Since the price has been paid for all after Christ ... there is no longer need for the blood of each individual to be shed by circumcision".
- The medical practice of infant circumcision came about in the late 1800's, for a number of spurious, superstitious reasons. Some people believed that it would prevent masturbation, or a number of other possible diseases. All of these suppositions have long been proven invalid. While the medical profession provides a needed function in society, and most medical practitioners are hard-working individuals deserving much respect, the medical profession in many people's eyes has become a type of idolatry. We treat hospitals like "sacred temples" and have turned doctors into false "gods". Infant circumcision in hospitals has become a "ritual" of its own accord, a product of our tendency to regard all medical practices as "sacred". The Christian is especially admonished not to make anything into a false religion - not even things that are necessary or beneficial in and of themselves. We are to worship only the Lord our God. To give the medical profession, or anything else, any kind of undue worship is going against basic Christian beliefs.
- As adults, we undergo many sacrifices and sufferings in our lives, but no baby has any understanding of such things. Most people would seriously question the ethics of subjecting a baby to any kind of trauma or loss of body part just because that was the fate of Jesus or any other admired leader. Most Christians either oppose abortion, or at least have serious moral concerns about it, and do agree that human life is real and deserving of respect and consideration from the beginning of pregnancy on. Those who oppose routine infant circumcision are deeply concerned with the infant's rights as a human being. No baby or small child has ever wanted or asked to be circumcised. Taking away a baby's foreskin (or any other normal body part) is altering/mutilating his body without his permission, as well as subjecting him to se-

vere and unnecessary pain. Anyone who supports the rights of the pre-born child certainly should be challenged similarly to consider the rights of the already born child.

- Christians are supposed to treat other people according to two principles: "The fruit of the Spirit is love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control. There is no law against such things" (Ga 5:22-23); "In everything do to others as you would have them do to you; for this is the law and the prophets" (Mt 7:12). Infant circumcision is contrary to these principles. A tiny infant, strapped to a board, knife to his genitals, certainly isn't feeling joy nor love. It is about the most un-peaceful scene imaginable. There is no kindness or goodness manifested in cutting and hurting a child's genitals. Circumcision is about the most ungentle action anyone could do to a baby. And where is our faithfulness in the correct design of the body, much less our faith in the belief that our sins are paid for in the blood of Christ alone, by saying no to what has become an idolatrous medical ritual? Where is our self-control in not mutilating our child? ...our patience in allowing the child to be himself?

Romberg finishes her article by this sentence:

Many of us who voice concern over routine infant circumcision have been wishing for an organized voice from the Christian world speaking out against genital mutilation. Christian apathy to this issue can only be considered a public embarrassment. If our Christian ideals of love, gentleness, peace, and following the Golden Rule cannot begin with our own children, how relevant can they be to the rest of the world?

Section 4.

Christian aberrations about circumcision

Church Fathers and theologians rejected circumcision, especially for religious considerations in correlation with a person's eternal salvation. They didn't consider it from the viewpoint of a right to physical integrity or personal autonomy. This lack of any ethical basis drove to aberrations, even worse than circumcision. Thus, following the example of Origen, who castrated himself, although he was opposed to male circumcision, the Russian castrates sect considered genital castration as a basic element of its organization. Similarly, the Catholic Church, while rejecting circumcision, resorted extensively to castrates in its choirs during at least four centuries; explicitly legitimizing castration. These are two aberrations, among so many others, that we will present subsequently. But we will start by saying a word about the feast of circumcision and the worship of Jesus' foreskin.

1) Feast of circumcision and worship of Jesus' foreskin

Although the dominant current among Christians rejects circumcision, various Christian communities celebrate Jesus' circumcision. The Catholic Church abolished this feast only in 1971, after the liturgical reform of the Second Vatican Council.

One doesn't know the date of the introduction of this feast mentioned first in the 2nd Council of Tours in 567. Celebrated January 1st, therefore eight days after the feast of the nativity, it coincided with the 1st of January calends dedicated to Janus, perhaps the most popular pagan feast of ancient Rome, providing an opportunity for orgies. The Christian feast there-

fore aimed to divert public attention away from the pagan feast; observing abstinence instead as a sign of penitence¹.

In correlation with Jesus' circumcision, there also exists a phenomenon of religious hallucination around Jesus' foreskin, mentioned in the Arabic gospel of the infancy (probably of the 4th century). Here is what it says about this foreskin:

And the time of circumcision, that is, the eighth day, being at hand, the child was to be circumcised according to the law. Wherefore they circumcised Him in the cave. And the old Hebrew woman took the piece of skin; but some say that she took the navel-string, and laid it aside in a jar of old oil of nard. And she had a son, a dealer in unguents, and she gave it to him, saying: See that thou do not sell this jar of unguent of nard, even although three hundred *denarii* should be offered thee for it. And this is that jar which Mary the sinner bought and poured upon the head and feet of our Lord².

It is question of this jar and Mary's episode in three Gospels, but without mention of Jesus' foreskin. This foreskin became the object of numerous legends in the Middle Ages and at least fourteen European churches pretended to possess the authentic foreskin of Christ. Solicited to resolve this debate, Pope Innocent III (d. 1216) answered that the task would be foolhardy and that so big problem had to be left to God's knowledge. Resolved by this answer, that seemed to support every claim, all fourteen holy foreskins continued to be venerated³.

So Jesus' foreskin in the abbey of Couloumbes was supposed to procure fertility to sterile women and a happy childbirth. In 1422, Henry V, king of England, then master of part of France, having heard the virtues of this foreskin, prayed the abbot of Couloumbes to grant him this jewel (*suum jocale*) to carry it with him to England for his wife, Catherine of France, pregnant with her first child. It was sent to London, and the queen after having touched it delivered a son, the future Henry VI. Faithful to his word, the king sent back the relic to France; but as he judged that it would not be safe in Couloumbes, because of continual war at that time, so the foreskin was deposited in the Saint-Chapelle, Paris. The Monks of Couloumbes were unsatisfied with this decision and asked that the foreskin be restored to them, adding that, if their abbey didn't appear a sure place, one could deposit it with the monks of Saint-Magloire, who belonged to the same religious order. This demand was granted them. In July 1447, a royal order allowed them to recuperate their relic. In April 1464, king Louis XI came to make his devotions in Couloumbes; the monks opened the shrine in his presence so his Majesty could contemplate the famous relic⁴.

Jesus' foreskin was also made the object of debates among theologians. So the famous Suarez (d. 1617), had to answer to the question if Jesus took all the parts of his body when he went up to heaven. He gave a negative answer:

Jesus' body was resuscitated whole and perfect, in what was his solid parts such as flesh, bones, head, hands, feet, etc., as well as hairs, beard, teeth, nails, etc. All these constitute the integrity of the human body indeed. Theophilacte, Bonaventura, Gabriel, etc. are all of opinion to join the foreskin. But, since the Roman tradition considers that Jesus' foreskin is in the church of Latran, one can suppose that Jesus, when resuscitated, had a foreskin formed of some fragment of matter which was a part of his body and had

¹ Dictionnaire d'archéologie chrétienne et de liturgie, col. 1717-1721.

² English translation from www.newadvent.org/fathers/0806.htm. Apocryphes du Nouveau Testament: Les évangiles de l'ombre, p. 79.

³ Peyrefitte, p. 316.

⁴ Saintyves, p. 171-173.

developed by a continual nutrition; while the parcel amputated from Jesus in the circumcision had remained on the earth to the devotion of the believers¹.

In his novel *Les clés de Saint Pierre*, Roger Peyrefitte reports that following a Protestant Germans' article aiming to discredit the Roman church, this one forbade by the decree nr 37.A. of February 3, 1900 to speak or writing about Jesus' foreskin in Saint-John of Latran, under pain of excommunication². Peyrefitte describes a sitting held in the Vatican in 1954 to debate the possibility abolishing this interdiction, but this has not been confirmed. We do not know if this sitting is historic, but Peyrefitte provides many interesting details on conflicting claims for Jesus' foreskins in European churches.

Numerous devout histories exist around Jesus' foreskin. So the beguine Viennese Agnes Blannebekin (d. 1315) felt a great suffering January 1st of every year, day of the feast of the circumcision. She had repeated visions in which she swallowed Jesus' foreskin while feeling on her tongue a great pleasure³. Brigitte (d. 1373) saw the Virgin Mary who told her the following:

When my son had been circumcised, I kept in very big honour his foreskin everywhere I went. How would I have left what had been generated of me without sin? But when the hour of my dormition had approached, I confided this membrane to John the evangelist, my guard, and later, one hid it to spare it from men's mischief and it remained a long time uncovered. But in short God's angel came to reveal it to God's spirits. Oh Rome! Oh Rome! If you knew, you would either be delighted, rather, if you knew, you would cry, since you have a very dear treasure to me and don't honour it⁴!

Catherine of Siena (d. 1380) repulsed her pretenders believed to be Jesus' wife. She repeated in her letters that the sign of her marriage with Jesus is not a ring of gold, nor a ring of silver, but Jesus' foreskin, offered by circumcision, in pain and an effusion of blood⁵.

2) Russian castrated sect

All civilizations of the world practiced castration for different reasons: to punish some forbidden sexual intercourse, to humiliate enemies, to prevent sexual relations among slaves, to obtain more docile or more robust slaves, to provide guards in the system of harems, to cure some illnesses in certain times⁶, to prevent masturbation, to become closer to the divine, to maintain singers' voice in church choirs. In this paragraph and the next we will develop these last two points.

Castration to become closer to the divine, to be better accepted, to join its service or to expiate a sin can be either an isolated individual act, judged anomalous by the society⁷, or a worship collective act accepted by the society.

Ritual castration was known in the past. We mention as an example here the castration practiced in the Phrygian cult of Cybele, mother of gods. This cult reached Rome, and in the 3rd century, under the emperor Claudius, it was considered an official religion. Yearly feasts commemorated the death and miraculous resurrection of Attis, lover of the goddess of fertile nature. These ceremonies were accompanied by sacrifices where the self-castration with effusion of blood played a central role. In this cult, women also amputated

¹ Ibid., p. 1778-179.

² Peyrefitte, p. 326.

³ Leben und Offenbarungen der wiener Begine Agnes Blannbekin, p. 117-119.

⁴ Peyrefitte, p. 316.

⁵ Bynum, p. 235 and 257-258, no 135.

⁶ Barbier, p. 15-16.

⁷ See part 4, chapter 1.2

their own breasts¹. The Bible, while imposing circumcision as a sign of the covenant with Jehovah, forbade religious castration and all other body markings that could recall any pagan ritual practices: incision, tattoo or tonsure. The goal of this interdiction was to avoid assimilation with pagans².

Some Christians practiced castration for devotion, basing themselves on many holy book verses, precisely as Jews had justified male circumcision. Among these texts, we mention notably:

- Blessed also is the eunuch whose hands have done no lawless deed, and who has not devised wicked things against the Lord; for special favour will be shown him for his faithfulness, and a place of great delight in the temple of the Lord (Wis 3:14).
- Do not let the eunuch say: "I am just a dry tree. For thus says the Lord: To the eunuchs who keep my sabbaths, who choose the things that please me and hold fast my covenant, I will give, in my house and within my walls, a monument and a name better than sons and daughters; I will give them an everlasting name that shall not be cut off (Is 56:3-5).
- If your right eye causes you to sin, tear it out and throw it away; it is better for you to lose one of your members than for your whole body to be thrown into hell (Mt 5:29).
- There are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by others, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven (Mt 19:12).
- Blessed are the barren, and the wombs that never bore, and the breasts that never nursed (Lk 23:29).
- Put to death, therefore, whatever in you is earthly: fornication, impurity, passion, evil desire, and greed (Col 3:5).
- I heard the number of those who were sealed, one hundred forty-four thousand (Rev 7:4).
- Then I looked, and there was the Lamb, standing on Mount Zion! And with him were one hundred forty-four thousand who had his name and his Father's name written on their foreheads [...]. No one could learn that song except the one hundred forty-four thousand who have been redeemed from the earth. It is these who have not defiled themselves with women, for they are virgins (Rev 14:1 and 3-4).

The most famous known autocastration case among Christians is the one of Origen, of which we spoke before³. On the collective level, one mentions the Christian sect of the Valesians from the 3rd century, disciples of a certain Valesius. This sect had its center in Bacatha, close to Naur in Jordan. It practiced the genital mutilation as an indispensable condition for salvation. To increase their number, these sectarians resorted to violence and mutilated by force all they could reach or those who got lost in their vicinities⁴.

Following to the Bible, the Church limited the access of eunuchs to clerical functions. One reads in the decisions of the first council of Nicaea of 325:

¹ Volkov, p. 9-12; Bettelheim, p. 91-92.

² See Dt 12:29-31.

³ Part 1, chapter 2, section 2.3.

⁴ Epiphanius, p. 1010-1018; Bagatti, p. 20, 27, 35, 51; Dictionnaire de théologie catholique, Tome 5, 2nd part, col. 1516-1518.

If anyone in sickness has undergone surgery at the hand of physicians or has been castrated by barbarians, let him remain among the clergy. But if anyone in good health has castrated himself, if he is enrolled among the clergy he should be suspended, and in future no such man should be promoted. But, as it is evident that this refers to those who are responsible for the condition and presume to castrate themselves, so too if any have been made eunuchs by barbarians or by their masters, but have been found worthy, the canon admits such men to the clergy¹.

Despite the opposition of Roman church laws that forbade castration, this practice continued and was most prevalent during the height of the Byzantine Empire. Not only did castrates occupy high functions in the ecclesiastical hierarchy, but also in government. Far from fighting against castration, Fathers of the Greek Church upheld the castrated condition as ideal; a stance that has last until recent times, as the charter of the Blissful Gregory V, patriarch of Constantinople (1739-1821) testifies. Addressing the monks, the patriarch blessed them for their abstinence:

Here are castrates, virgins and pure that, according to words of the Lord, castrated themselves voluntarily for the kingdom of heavens... After having travelled in the sea of misfortunes and torments of life, they found in the common life a calm harbour as well as an expeditious deliverance of depths of the passion².

Byzantium influenced Russia where one finds mention of castrates from the 11th century onward. A certain number of its bishops were castrated. But the phenomenon of religious castration especially spread from the 18th century, with the formation of a sect of castrates, to which Nikolai Volkov dedicated a remarkable survey, in 1929 and translated into French in 1995, from which we use here.

The religion of this sect is a particular form of syncretism: a combination of Christianity, of beliefs of the flagellants' sect and Slavic paganism. Composed in the beginning of separated groups that didn't not reveal their secret even under the torture, by 1820 it developed a very powerful hierarchy whose members were merchants, kulaks and bourgeois³.

This sect believed that God created Adam and Eve in his image. Original sin altered this image with the growth of male and female genitalia, which recall by their appearance the trunk and the fruit of the forbidden tree of which our forefathers ate before being expelled from Eden garden. To return to the first status, it is necessary to cut these symbolic emblems of sin that prevent the soul from becoming one with the divine. To save humanity, God offered his son Jesus, who castrated himself and his twelve apostles and taught castration to men. But his first visit having only given few results, he promised to come back on earth in strength and in glory. It is what he did in Russia under the form of Kondrati Selivanov who appeared on the Russian stage in 1774 and was assimilated to the emperor Peter III. Selivanov lived a millionaire's life; the rich and merchants visited him to receive his blessings. The Russian castrates believe that he is always alive and will return to Earth for the last judgment⁴.

This sect had its own religious rituals loaded with symbols⁵ in the setting of which new members were presented, called horse magpie. To reach perfection, members had to free themselves of their genitalia by stages. One started by cutting the two testes, called the keys to hell, followed by removing the verge, called the key to the abyss, the abyss being

¹ Decrees of the ecumenical councils, vol. I, p. 6.

² Volkov, p. 20-21.

³ Ibid., p. 35-39.

⁴ Ibid., p. 39-49.

⁵ Ingerflom, p. XXXIII-XXXIV; Volkov, p. 50-54.

the female sexual organ. By this operation, called the great seal, the sect thought a castrate was changed from a "horse magpie" into a "white horse". The term seal is borrowed to the aforementioned verse of Revelation 7:4. The term white horse is also borrowed from Revelation (6:2; 19:11; 19:14) besides Zechariah (6:3). To these mutilations, some added the ablation of one of the two chest muscles and even a flesh piece in shape of a triangle from the hip. So the castrate was thought to resemble Jesus, with his five stigmata¹.

Mutilation was not limited to males, but extended to females on whom different forms of mutilations were practiced:

- Amputation or destruction of suckle - the small seal.
- Total ablation of breasts - the great seal.
- Scars and incisions on breasts.
- Ablation of the small lips, and sometimes also of the clitoris.
- Ablation of the superior part of the big lips, at the same time as the small lips and clitoris.

Sectarian followers thought the mutilated women to be thus transformed from a "cuckoo magpie" into a "white dove"². In 1866, an investigation was made of 5300 members of this sect, comprising 3900 males and 1400 females. Of the males, 588 had everything amputated, 833 had only the testicles removed, and 62 had mutilations of various sorts. Among the females, 99 were found with amputation of the breast and pudenda; 308 had their breasts missing, 182 were minus nipples, 251 had only their genitals mutilated, and 108 had mutilations of various sorts³.

There was a debate between castrates and their opponents. The later blamed them for going against nature by suppressing organs given by God to reproduce. In 1917, one castrate answered that if the man has been created with reproductive organs, it doesn't mean that he is obliged to fulfil liabilities that nature had imposed upon him. This sin of sexual reproduction would, according to him, lead to a food deficit (Malthusian law) and would be the reason for famines, wars, epidemics and other horrors. He added that the castrate is able to reach a superior standard of living. The abolition of laws that govern the lower levels of life is not contrary to nature. As the seed only produces while dying, so the spiritual form cannot develop itself without sacrificing the lower form of existence⁴.

By contrast, physicians propose that sexual organs are very important for spiritual activity, and that castration led to the weakening of reflection and creation capacities. In 1925, one castrated sectarian answered that these ideas were false, deprived of foundation and lacking either scientific or practical proof:

- Castration doesn't influence man's spiritual and intellectual life in any way and it doesn't affect him physically.
- Castrates have more energy, ability and prudence in life than the non-castrates.
- Mentally, the castrates are not less intelligent than non-castrates.
- Spiritually and morally, castrates rise above the milieu of which they come; they are also good, compassionate toward needs or misfortunes of others; they are generous and thoughtful and are in everything just and honest.

¹ Volkov, p. 63-66.

² Ibid., p. 70-72.

³ Lewis: In the name of humanity, p. 148.

⁴ Volkov, p. 80-81.

- Castrates are more interested in politics than the milieu of which they come and are real philosophers.
- Economically, they are exemplary and they treat their business in a serious and convenient manner.
- On the physical level, they are cleaner, more hygienic, healthier and even more presentable than the people of which they come.
- There are castrates who do not fit this assessment, but those do not represent more than 10 to 15%.
- Genitalia caused a lot of sufferings to man all over the world, provoking: disputes, brawls, murders, wars between peoples, illnesses, distortions of the body and other consequences or miserable acts, a repugnant perversion of customs and sex. In almost every street corner one sees hospitals that take care of the venereal illnesses and all forms of gonorrhoea. Thousands of abortions, mutilation of perfectly healthy lives, murdering of newborns, all this is the fruit of these genitalia¹.

Volkov attributed the appearance of the castrates sect toward the middle of the 18th century, to economic and social conditions of the time in Russia. This sect united peasants oppressed by landowners, merchants oppressed by landowners and by the regime, and women oppressed by their husbands and society. These three groups took refuge in this sect to find protection and material solidarity, spiritual consolation and eternal salvation, hoping for the arrival of a spiritual Czar that would save them from the oppression of the temporal Czar. On the other hand, merchants found in this sect a strong economic organization on which they could count².

This society was not necessarily an egalitarian and just society. It exploited those who didn't take part, as well as its own weakest members. There were the rich and the poor; the woman was least favoured. She escaped from society's injustice to fall again under the mercy of the sect and its male members³.

As its members didn't have children, the sect resorted to different methods to attract new adherents: distribution of texts of the Bible showing that castration was the surest means to salvation, payment of debts for poor persons against acceptance to become a member of the sect, limitation of jobs to castrated, to poor families and children without parents to encourage their adherence, utilization of the young castrates of both sexes to attract other youths. One estimates the number of its adherents toward the middle of the 19th century to about six thousand males and females, with a majority of Christian orthodox, and some Lutherans, Catholics, Jews and Muslims⁴. The movement was somewhat parallel to celibate religious movements in the United States during this same period, the most famous of which were the Shakers. While the Shakers did not necessarily practice physical castration, a sublimated version was prescribed in the form of celibacy, which was thought to redirect the sexual energy for the work of God and to build a heaven on earth⁵.

The Russian sect of castrates was rich and it had industrial and commercial enterprises. The government and aristocracy were extremely in favour of the movement. Selivanov, emblematic character of the sect, gave to Czar Alexander I his blessing at the time of war against France. Elianski, ex-chamberlain of the sect, submitted even a project to the Czar in view to reorganize Russia and to confide with the castrates the whole direction of the coun-

¹ Ibid., p. 113-116.

² Ibid., p. 23-24.

³ Ibid., p. 83-101.

⁴ Ibid., p. 75-82, note 4, 144.

⁵ See on this sect <http://users.neca.com/keegans/shakers.html>.

try. According to this project, Selivanov was to play a primary role in government and constantly at the Czar's sides as counsellor. Masters and prophets among the castrates would govern cities, to counsel captains of vessels and commanders of land armies; these would follow their instructions, since, thanks to their purity, God himself guided them. Refused, Elianski's project got lost in state archives; Elianski himself was considered mad and later sent to a monastery¹.

If the sect had its hours of glory, it knew also the persecution in intervals. Between 1805 and 1870, 5444 castrates of both sexes were deported to Siberia². The church saw in this sect a competitor that pretended to assure eternal salvation to its members outside traditional channels. As protector of the orthodox faith, the czarist regime had to sometimes align with the church in its struggle against this sect. Article 197 of the old penal code foresaw the confiscation of all possessions of castrates and their deportation in Siberia. Article 201 foresaw the same measure for those who castrated themselves, sanction aggravated in case of castration of another person by four to six years of forced work. These two articles are situated in the chapter concerning crimes against the faith³. Under the soviet regime, during the trials of 1929 and 1930, courts especially applied to castrates articles 123 and 142 of the penal code of 1926. Article 123 is in the chapter on religion and aims against those who "through lies, spread prejudices in the population to get advantages". As for article 142, it penalized mutilation⁴. Volkov justifies as follows the persecution of the sect under the soviet regime:

In the context of the dictatorship of the proletariat, the sect of castrates not only appears like a survival, but as the extreme demonstration of social and economic opposition to the basic principles of the soviet regime. By the nature of its cult and because of its past and present financial situation, the sect cannot be favourable to the soviet authorities⁵.

Believing that "punishments don't make anything to discourage the castrates", Volkov proposes the following measures to fight against this sect:

- The organization of a political, educational and cultural institution network and the consignment in these regions of antireligious cultural organizers and physicians.
- The establishment of a list of known castrates and their stake under strict surveillance.
- Administrative measures to isolate from the population the fanatic castrates, those who spread their cult and those who castrate⁶.

Despite punitive measures, the sect of castrates persisted in the Soviet Union. In 1929, according to Volkov, the sect was composed in Moscow of about 500 men and women of which 150 already castrated. Matorine speaks of thousand active members in all the country. In Romania, more than 1500 Russian castrates had escaped before the Bolshevik revolution. In 1928, they numbered between 300 and 400. One author tells of having met in the region of Tambov, in Crimea and in the Caucasus, three communities regrouping each between 80 and 100 male and female castrates, as recently as 1971⁷.

¹ Volkov, p. 47-50; Ingerflom, p. XVI-XXIII

² Ibid., p. 75-82, note 4, 144.

³ Ingerflom, p. LI-LII.

⁴ Ibid., p. LII-LIII.

⁵ Volkov, p. 116.

⁶ Ibid., p. 116-117.

⁷ Ibid., p. 103-117, and notes 4 and 5 of p. 143-144.

3) Choir castrates

The use of castrates in choirs for churches is a strange phenomenon that maybe not have existed if the church had insisted in its fight against circumcision on the principle of physical integrity and personal autonomy, instead of invoking theological considerations.

This phenomenon developed on two bases: the physiological features resulting from castration and a negative perception of women.

With regard to the physiological features, a castrated child keeps his soft voice when he matures because castration prevents the secretion of male hormones responsible for the molt. It allows the child, once adult, to achieve the most difficult soprano range. On the other hand, castration bestows a female aspect to the face, prevents beard growth as well as baldness, and with age, hips and buttocks of castrates become larger, like those of women¹.

As for the woman's negative perception, the church estimated that she tempted otherwise virtuous men to dissolute living. For this supposition, the church prohibited her from participating in religious songs, as Muslims forbid her even today to call the faithful to prayer. Paul says in this respect:

Women should be silent in the churches. For they are not permitted to speak, but should be subordinate (I Co 14:33-34).

For these two reasons, women were put aside in the praise of the Lord and castrated men, whose voice produced the pitch of a women's, replaced them. So one finds castrates in the Byzantine churches from the 12th century, and in the Spanish churches from the 16th century. The Spanish castrates were the regular singers in the Vatican until their replacement by Italian castrates in 1599².

In addition to the interdiction made to women to participate in songs of choirs, Innocent XI (d. 1689) forbade them to be present on the theatre stages of the Papal States. This interdiction was repeated by his successors. As the female roles were imperatively hold by men, entrepreneurs of spectacle understood the enormous vocal and scenic advantages that presented castrates on the use of falsettistes in that time instead of the children, too young to express the essential feelings in baroque music³.

The development of a market for music and theatres in the 17th and 18th centuries pushed parents, especially of modest condition, to castrate their children and to entrust them to schools to learn the profession of song and music. The pupil was then called *eunuco* (eunuch) without pejorative thought, and when he progressed he became *musico* or *virtuoso*. Every Italian court possessed at least one castrate attached to it permanently for its religious services or its spectacles. This applied also for the other European countries' courts that surrounded themselves with the best castrates for public spectacles or private court performances. The passion of princes for these singers being unlimited, it contributed extensively to amplifying the vogue for castration⁴. Castrates also were hugely successful with noble ladies, who procured them protection and affection without danger of suspected infidelity⁵.

Despite the elevated social statute to which some castrates arrived, they had tense relations with their parents for having submitted them to castration⁶. This last, consisting in remov-

¹ Favazza, p. 190; Barbier, p. 20-28.

² Barbier, p. 15-17, 27-28.

³ Ibid., p. 28.

⁴ Ibid., p. 166-169.

⁵ Ibid., p. 141-162.

⁶ Ibid., p. 162-165.

ing or damaging the two testes, was generally performed between the age of 7 to 12 years and it was not without danger. Mortality estimates lie between 10 and 80% according to operators¹. But parents estimated that they gave service to their children, answering to a fashion which was launched by the papal Chapel and extended through cathedrals and Italian churches. Castration was admitted therefore by the public and was legitimized by the church itself.

As for the church, its position facing castration was ambiguous: it condemned this mutilation firmly and those who practiced it, but it constantly protected castrates, to the point that it was the most recent to use them at the dawn of the 20th century.

Robert Sayer, Benedictine and English moralist, who died in Venice in 1602, affirmed:

The voice is a more precious faculty than the virility since it is by the voice and the reasoning that the man distinguishes himself of animals. If therefore, to embellish the voice it is necessary to suppress the virility, one can do it without profanity. Voices of sopranos are so necessary to sing God's praise that one would not know how to put the acquirement of it to a too elevated price².

Pope Clement VIII (d. 1605) has been largely credited with opening the door of the papal Choir to Italian sopranos. His successors replaced all falsettist sopranos by castrates, to the point that in 1625 all the choir of the Sixtine was composed of castrates³. Pope Benedict XIV (d. 1758) began to speak of a "monstrous crime of which young boys are victims, often by the complicity of their parents". He affirmed that "the amputation of any part of the human body is not legal, except when the whole body cannot be saved from destruction in another manner". Pope Clement XIV, (d. 1775) permitted women to sing in churches and to hold soprano's parts there. He also allowed them to be present on the theatre stages of his States. The suppleness of pontiffs in both theory and practice of castration had also permitted canons of the church to admit castrates to the priesthood, since a lot of castrate hopefuls, whose operation had not given the hoped results, turned toward the religious life.

Progressively, with the change of popular customs, the church took some firmer positions regarding castration. But it was only in 1902 that Pope Leo XIII signed the order that banished castrates irreparably from the papal Chapel. The last castrate to have sung in this choir left it in 1913⁴.

Reversal of the church's position relative to castrates was preceded and accompanied by a hostile position on behalf of French philosophers. Voltaire and Rousseau both vigorously condemned this practice, qualified as infamous. This position against castration was motivated also by hostility of the French toward Italianate music that they rarely appreciated; except during the reign of Napoleon. He, however, contributed to the eventual abolition of castration, by forbidding mutilated children entrance to schools or conservatories, in 1806. This was an attempt to dissuade Italian society of this practice. In 1814, François I of Lombardy-Venetia excluded castrates from the stage⁵.

¹ Ibid., p. 18-20.

² Ibid., p. 127.

³ Ibid., p. 128-129.

⁴ Ibid., p. 128-131.

⁵ Ibid., p. 223-230. See also Mamy: Les castrats, p. 13-123.

Chapter 3.

Circumcision among Muslims

Muslims today have two legal systems that superimpose themselves: the Muslim legal system, and the State's law, called positive law which sends back to Muslim law to fill the gaps of the State's law or as source of inspiration for new laws. So the Egyptian constitution says in its second article: "The principles of Muslim law constitute the main source of legislation" (art. 2). On the other hand, the Egyptian penal Code says:

Art. 7 – In no case the norms of the present code would violate individual rights provided by Muslim law.

Art. 60 – The norms of the penal code don't apply to acts committed by good faith according to a right recognized by Muslim law.

Because of the reference to Muslim law, the Egyptian high administrative court had to review classic Muslim law in its famous decision of December 28, 1997 before rejecting the demand of Muslim fundamentalists who wanted to prevent the Health minister from forbidding the practice of female circumcision.

We will follow in this chapter the same order adopted in the two previous ones. We start with the Koran, the first source of Muslim law, to see what it says about male and female circumcision. Thus the reader may compare the position of the Koran with the positions of the Jewish and Christian holy books. Then, we will see what the other sources of Muslim law say, i.e. the *sunnah* of Muhammad, the law of the previous prophets, the *sunnah* of Muhammad's successors, the classic jurists' position. Then, we will see the consequences of uncircumcision. We finish by studying the operation among Muslims.

Section 1.

Circumcision in the Koran

1) The Koran, first law source

The Koran is the first source of Muslim law. All Muslims, without exception, believe that it encompasses the true word of God, revealed to Muhammad between 610 and 632; the year of his death. For them, everything it reports is true, since it emanates directly from God, the omniscient. Furthermore, Muslims must refer to this text to understand duties to both God and humanity.

While accepting the idea that God had sent other messages through the prophets that preceded Muhammad, Muslims hold that the Koran is the only non-falsified holy book. Other holy books, of both Jews and Christians, were tampered with by their adepts. Whatever the intrinsic nature of the Koran (word of God or word of man), one generally admits that this text is the oldest and most faithful Arabic written text capable of illuminating us on customs and norms of Arab society in the time of Muhammad. The preserved text was codified 15 or 20 years after Muhammad's death, from disparate documents written by different transcriptions. These sources were burnt, and the present text is the only version admitted by all Muslims, even though numerous variants for some passages or terms do exist.

We don't need to explain the content or the structure of the Koran¹. What interests us here is what the Koran reports on male and female circumcision.

¹ See Aldeeb Abu-Sahlieh: Introduction à la lecture juridique du Coran.

2) The Koran silence concerning circumcision

Contrary to the *Old* and *New Testament*, the Koran makes no mention of male or female circumcision. The term circumcision doesn't even appear therein. But when speaking of the Jews, the Koran uses the expression *qulubuna ghulufun* two times: our hearts are made up, prepuce or uncircumcised:

Is it not a fact that every time a messenger went to you with anything you disliked, your ego caused you to be arrogant? Some of them you rejected, and some of them you killed. Some would say: "Our minds are made up!" (2:87-88).

They incurred condemnation for violating their covenant, rejecting God's revelations, killing the prophets unjustly, and for saying: "Our minds are made up!" (4:155).

This Koranic expression corresponds in fact to the expression used by the Bible to speak of uncircumcision of the heart¹. No Muslim author refers to these two verses to justify circumcision or makes a link between them and the biblical expression, or even with circumcision. They generally understand the Koranic expression in the sense of enveloped hearts. One finds this expression in a narrative of Muhammad reported by Ibn-Hanbal, which distinguishes between four categories of hearts, one of them being the enveloped heart, i.e., the heart of the unbeliever².

We saw that the Bible considers the uncircumcised as impure and, therefore, forbids him to enter the Temple (Ez 44:9), or even Jerusalem (Is 52:1). We find a similar interdiction in the Koran concerning polytheists, but no reference is made to the uncircumcised:

O you who believe, the idol worshipers are polluted; they shall not be permitted to approach the Sacred Mosque after this year (9:28).

On the other hand, the Koran mentions 69 times Abraham's name, who is considered a "good example" to follow (60:4), without ever speaking of his circumcision.

3) Interpretation of certain ambiguous verses

As male circumcision is largely practiced among Muslims, classic and modern Muslim authors have not been convinced that the Koran doesn't speak of it. Doesn't the Koran claim to address everything: "We did not leave anything out of this book" (6:38)³? Therefore, they look for ambiguous verses to interpret in favour of circumcision. Let's begin by explaining these verses. The Koran says:

He sent down to you this scripture, containing straightforward verses (*muhkamat*) - which constitute the essence of the scripture as well as multiple-meaning verses (*mutashabihat*). Those who harbour doubts in their hearts will pursue the multiple-meaning verses to create confusion, and to extricate a certain meaning. None knows the true meaning thereof except God. And those well founded in knowledge say: "We believe in this - all of it comes from our Lord". Only those who possess intelligence will take heed (3:7).

Hence, religious scientists distinguish between verses called straightforward verses whose meaning is clearly indicated, and others called multiple-meaning verses or ambiguous⁴. They add that ambiguous verses have hidden meaning and cannot be understood by reason, the Koran or narratives of Muhammad. The meaning of these verses is reserved for God alone. Clear verses have only one interpretation, while ambiguous verses afford different

¹ See Lv 26:41; Jr 9:25; Ez 44:7 and 9.

² Musnad Ibn-Hanbal, hadith 10745.

³ See also Koran 5:3 and 16:89.

⁴ Al-Zarqani, vol. 2, p. 270.

and contradictory interpretations¹. To avoid such contradictions and uncertainty, Al-Zarqani guards against interpreting them and asks us to leave the determination of their meaning to God².

The verses evoked by proponents of male circumcision are as follows:

- Recall that his God tested Abraham through certain words, and he fulfilled them. (God) said: "I am appointing you an *imam* for the people". He said: "And also my descendants?" He said: "My covenant does not include the transgressors" (2:124).
- Then we inspired you (Muhammad) to follow the religion of Abraham, the monotheist; he never was an idol worshiper (16:123)³.
- Such is God's tincture, and whose tincture is better than God's? (2:138).

Although these verses don't say anything about circumcision, proponents deducted thereby that it is obligatory! How did they arrive at this conclusion? They interpreted the expression *God tested Abraham through certain words* as meaning *God tested Abraham through commands, including circumcision*. And since the Muslim is held to follow Abraham's religion, he needs to circumcise himself like Abraham. Then they interpreted the expression *God's tincture* as meaning circumcision, instead of Christian baptism. But jurists have not admitted such interpretations unanimously.

A) God tested Abraham through certain words

Interpreting the verse 2:124: "his God tested Abraham through certain words", Al-Tabari (d. 923) says that words here means commands, but exegetes differ on the nature of these commands. He presents ten divergent opinions. Here are some examples:

- The words indicate thirty commands: ten in the chapter 9, ten in the chapter 23, and ten in the chapter 33 of the Koran.
- They indicate five practices relative to the head (clipping the moustache, rinsing the mouth, snuffing water in the nose, using the tooth-stick and making the stripe in the hair); and five practices relative to the body (clipping the nails, shaving the pubis, circumcising, depilating the armpits and cleaning one's private parts with water).
- They indicate ten practices of which six relative to the body (shaving the pubis, circumcising, depilating the armpits, clipping the nails and moustaches and washing on Friday), and four relative to rituals: (going around the Kaaba, walking between Safa and Marwa, stoning Satan and going from Arafat to Mozdalifa during the pilgrimage).
- They indicate Abraham's emigration from his country, the abandonment of his tribe, the order to immolate his son and the circumcision⁴.

Al-Razi (d. 1209) adds to these tests Abraham's debate with his parents and his tribe, prayer, fasting, alms giving, loot sharing and hospitality⁵.

Proponents of male circumcision conclude that it is one of the tests to which God submitted Abraham. As Abraham is an example for Muslims to follow, it is thus necessary that they be circumcised as Abraham.

¹ Ibid., vol. 2, p. 272.

² Ibid., vol. 2, p. 293.

³ See also 2:130; 3:195; 6:90; 42:13.

⁴ Al-Tabari: Tafsir, vol. 1, p. 414-416; Al-Tabari: Tarikh, vol. I, p. 143-146.

⁵ Al-Razi: Al-tafsir, vol. 3, p. 37-38. See also Al-Tubrusi: Tafsir, vol. 1, p. 76-77; Al-Qurtubi: Al-jami, vol. 2, p. 97-98; Ibn-Kathir: Tafsir, vol. 1, p. 164-167.

So Abraham's circumcision is the basis for circumcision among Muslims. The narrative of Abraham's circumcision is mentioned in Genesis 17. But, as Muslims consider the Bible falsified, they do not refer to it; they rather base themselves on Muhammad's narratives that speak of Abraham's circumcision. We mention some:

- Abu-Hurayrah (d. 679) narrated that God's Messenger said: Abraham circumcised himself after he had passed the age of eighty years, he circumcised himself with an adze (*qaddum*: woodworker's instrument)¹. Ibn-Hajar (d. 1449) reports another narrative of Abu-Hurayrah according to which Abraham had at the time of his circumcision 120 years and he lived 80 years thereafter. Ibn-Hajar adds a third narrative that says: "God ordered to Abraham to circumcise himself. Abraham did it with an adze and suffered a lot for it. God revealed to him then: You were too in hurry before I indicated the instrument. Abraham answered: I didn't want to delay your orders"².
- Abu-Hurayrah narrated that Muhammad said: "Abraham attached his pudenda and pulled them toward him, sharpened his adze and hit over with a wood; [the foreskin] hoped between his hands without suffering and without blood"³.
- Ibn-Abbas narrated that Muhammad was asked: "Who circumcised Adam"? He answered: "He circumcised himself". He was also asked: "Who was circumcised after Adam?" He answered: "Abraham"⁴.
- Ali narrated that Muhammad said: "God sent Abraham with the monotheistic religion (*hanifiyyah*) and ordered him to cut his moustache and nails, to depilate his armpits, to shave his pubis and to circumcise himself"⁵.

These are the main narratives assigned Muhammad relative to Abraham's circumcision. Other narratives situated this circumcision at the age of 30, 70 and 130 years⁶.

In one the versions of his book *Al-Muwatta*, Malik (d. 795) reports a narrative: "Abraham was the first to offer hospitality to his host, the first to circumcise himself and to cut his moustache, and the first to have seen gray hairs"⁷. Other versions of this book fail to mention this narrative. In its beginning, this book contained 9000 narratives, but year after year Malik suppressed some texts reducing the book to 700 narratives⁸, or even less than 300, according to Ibn-Khaldun⁹. Ibn-Asakir (d. 1176) reports two narratives in which Abraham was the first to be circumcised, to see the gray hair, to offer the hospitality to his host, to cut his moustache and his nails, to shave the pubis and to wear undergarments¹⁰. On the other hand, Ibn-al-Arabi affirms that "no one was circumcised before Abraham"¹¹.

If the dominant belief among Muslims is that Abraham circumcised himself on order of God, Al-Tha'labi (d. 1035) reports a narrative of Al-Abbas according to whom Abraham had a battle with giants (*amaliqah*) that left a large number dead in the two camps. As he

¹ Al-Bukhari: Sahih, hadith 3178. See also Muslim: Sahih, hadith 2370.

² Ibn-Hajar, vol. 6, p. 390 and vol. 10, p. 342. See also Al-Qurtubi: Al-jami, vol. 2, p. 98-99

³ Ibn-Asakir, p. 37.

⁴ Mustadrak al-wasa'il, vol. 2, p. 635, hadith 12.

⁵ Al-Amili: Was'il al-shi'ah, vol. 15, p. 164.

⁶ Kister, p. 10-11.

⁷ Malik: Muwatta, in the margin of Al-Baji, vol. 7, p. 232.

⁸ See Malik: Muwatta, preface of Abd-al-Latif, p. 14.

⁹ Ibn-Khaldun, vol. II, p. 460.

¹⁰ Ibn-Asakir, p. 38 and 39.

¹¹ Ibn-al-Arabi: Ahkam, vol. I, p. 37. See also Al-Qarrafi, vol. 13, p. 279; Al-Jamal: Hashiyat Al-Jamal, vol. 5 p. 174; Al-Baji, vol. 7, p. 232.

could not distinguish his dead from those of the enemy, he decided to practice circumcision as a distinct sign¹.

Contrary to the aforesaid narratives, Ali reported that Abraham was born circumcised with other prophets: Adam, Seth, Idriss, Noah, Abraham, David, Salomon, Lot, Ishmael, Jesus, Moses and Muhammad². Al-Qurtubi (d. 1273) reports from Ka'b Al-Ahbar (d. 652), Jewish Yemeni convert to Islam, that God created 13 circumcised prophets: Adam; Seth, Idriss, Noah, Sam, Lot, Joseph, Moses, Shu'ayb, Salomon, John the Baptist, Jesus and Muhammad³. Other sources mention 14, or even 17 prophets born circumcised⁴. It is obvious that all these narratives concerning the circumcision of Abraham are inspired by Jewish beliefs⁵.

Some Shiite sources report that the imam Ja'far Al-Sadiq (d. 765) was asked what he thought about Abraham's circumcision by an adze. He answered: "By God, this was not as they report; they just lie about Abraham". Al-Sadiq then gave his own version. According to him, the foreskin and umbilical cord of prophets fell off on the 7th day. Following a dispute between Sarah and Hagar, the latter started crying over her son Ishmael. When Sarah had her son Isaac, he had the umbilical cord separated but not his foreskin on the 7th day. Sarah complained to Abraham, who addressed himself to God. God answered him that following the reproaches done by Sarah to Hagar, he decided to no longer make the foreskin of prophets' children fall off. He ordered him then to circumcise Isaac with iron, and Abraham executed the order. This custom has been practiced thereafter among sons of Isaac⁶.

All these contradictory narratives concerning Abraham's circumcision include *Israelite elements*; legends Muslims assign to Jewish tradition⁷. Some Muslim authors have proposed republishing the classic commentaries after purifying them of these elements⁸.

One should notice here that modern Muslim authors contest the interpretation given by classic jurists to the verse 2:124: "his God tested Abraham through certain words". Such is the case of Al-Shawkani (d. 1834) that prefers to leave the meaning of this verse to God instead of interpreting it by contradictory and unreliable narratives⁹. The sheikh Abduh (d. 1905) says that classic interpretation is daring and absurd. He assigns it to Jews who passed it on to Muslims to ridicule their religion. He asks how God could test Abraham through practices that a small child can accomplish and thereafter God makes Abraham a guide for men and root of the tree of prophecy¹⁰. Answering to those who blame him for contradicting Ibn-Abbas, Abduh says that he respects Ibn-Abbas, but doesn't believe his narrative¹¹. The sheikh Shaltut (d. 1964) also rejects the interpretation of this verse as meaning circumcision. In the same way, he rejects the narrative according to which Abraham was circumcised at 80 years old, narrative that would imply that the Muslim should practice circumcision as Abraham. He considers such an interpretation exaggerated¹².

¹ Al-Tha'labi: Qisas al-anbiya, p. 87.

² Al-Shaykh Al-Saduq, p. 594.

³ Al-Qurtubi: Al-jami, vol. 2, p. 100.

⁴ See the sources in Aldeeb Abu-Sahlieh: Khitan, vol. I, p. 261-262.

⁵ See part 2, chapter 1, section 2.8.

⁶ Al-Kalini, vol. 6, p. 35-36; Al-Amili: Wasa'il, vol. 15, p. 162; Al-Shaykh Al-Saduq, p. 505-506.

⁷ See concerning the israelite elements Abu-Shahbah; Maghniyyah: Isra'iliyyat al-Qur'an.

⁸ Al-Nimr, p. 115 and 159-160.

⁹ Al-Shawkani: Fath al-qadir, vol. 1, p. 139-140.

¹⁰ Abduh: Tafsir, vol. 1, p. 454.

¹¹ Ibid., vol. 1, p. 455.

¹² Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 7.

B) God's tincture

The verse 2:138 says: "Such is God's tincture, and whose tincture is better than God's?" The tincture indicates the stain used to give a colour to a dress.

Mentioning Ibn-Abbas, Al-Qurtubi writes that Christians baptize their children by water on the 7th day to purify them and to make them true Christians. God answered Christians that his own tincture is better than their tincture. God qualified Islam a tincture because it reflects acts and qualities of the believer by analogy to the tincture of dress. Al-Qurtubi adds that tincture is the term given to circumcision as opposed to Christian baptism¹. Ibn-Qayyim Al-Jawziyyah says similarly:

Circumcision among the *hunafa*² corresponds to tincture and baptism of worshippers of the cross. These pretend that their children are purified when the water of the baptism tints them. They say: They now became Christian. God enacted then for the *hunafa* their own tincture whose distinctive sign is circumcision. For this reason, it is said in the Koran: "Such is God's tincture, and whose tincture is better than God's"³?

The modern Muslim authors continue to refer to the verse 2:138 to support circumcision⁴. In a book favouring female circumcision, Fathi Al-Sayyid writes:

When some address themselves to the Western norms or oriental fashions in their life and their customs, we must, as Muslim, take refuge in the way of Islam, its teachings and its moral, so that we can be Muslims. This escape toward God's eternal religion ensues because it is the only valid, complete and perfect system, not including the mistakes of human systems. God is truthful while saying: "Such is God's tincture, and whose tincture is better than God's?" (2:138). All Muslim men and women therefore must respect the norms of Islam (including male and female circumcision) in order to benefit the good in this life and in the other life⁵.

4) Circumcision contrary to the philosophy of the Koran

A) Perfection of God's creation in the Koran

At the forefront of the debate based on the Koran around male and female circumcision, opponents try to refer to the Koran to sustain their position, since the Koran constitutes the first source of the Muslim law. These opponents affirm that these two practices are contrary to the philosophy of the Koran; this could explain why the Koran doesn't mention them. Indeed, the Koran insists in several verses that God's creation is perfected:

- He is the One who shapes you in the wombs as He wills (3:6).
- Our Lord, You did not create all this in vain! (3:191).
- Everything He does is perfectly measured (13:8).
- Did you think that we created you in vain? (23:115).
- Most blessed is the One who [...] created all things, and ordered them in due proportions (25:1-2).
- You shall devote yourself to the religion of strict monotheism. Such is the natural instinct placed into the people by God. Such creation of God will never change (30:30).

¹ Al-Qurtubi: Al-jami, vol. 2, p. 144-145.

² The term "hunafa" indicates a group of Monotheist Arabs who were neither Jews nor Christians. Abraham and the Muslims are also called by the Koran *hunafa*.

³ Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

⁴ See Al-Jamal: Nihayat al-bayan, p. 67; Al-Marsafi, p. 17; Al-Qadiri, p. 34.

⁵ Al-Sayyid: Hukm khitan al-nisa, p. 5.

- He is the One who perfected everything He created (32:7).
- We did not create the heaven and the earth, and everything between them, in vain. Such is the thinking of those who disbelieve. Therefore, woe to those who disbelieve; they will suffer in Hell (38:27).
- He designed you, and designed you well (40:64).
- Everything we created is precisely measured (54:49).
- He created the heavens and the earth for a specific purpose, designed you and perfected your design (64:3).
- O you human being, what diverted you from your Lord most honourable? The One who created you, designed you, and perfected you. In whatever design He chose, He constructed it (82:6-8).
- We created man in the best design (95:4).
- [The Demon] said: "I will surely recruit a definite share of your worshipers. I will mislead them, I will entice them, I will command them to slit the ears of livestock, and I will command them to distort the creation of God". Anyone who accepts the devil as a lord, instead of God, has incurred a profound loss (4:118-119).

If we consider that male and female circumcision is a mutilation of an irreplaceable healthy organ, which plays an incontestable role in sexual relation wanted by God, we must admit that this practice violates the Koran and is rejected by it. Even more, the last quoted verse considers the fact to slit the livestock ears as obedience to the Demon, what to say then about violation of physical integrity of the human being?!

B) Argument of the perfection of the creation in the past

Muslim law forbids to make an attempt to God's creation except when it is in application of a legal sanction (amputation of the thief's hand) or to accomplish prescribed circumcision. This interdiction is based on the aforementioned verses and on a narrative of Muhammad that says:

Allah has cursed those women who practice tattooing and those who get themselves tattooed, and those who remove their face hairs, and those who create a space between their teeth artificially to look beautiful, because they change the features created by Allah¹.

Thus, Ibn-al-Jawzi (d. 1021) permits circumcision, but prohibits girls' ear piercing to put buckles for beauty because it implies a suffering without utility, and bracelets and necklaces can procure beauty. Both the piercer and the one who employs him commit an offence; both the contract and salary are illicit. But if a woman already has ear pierced, she can carry buckles². Al-Mardawi (d. 1480) permits the circumcision, but forbids cutting a congenital sixth finger. He reports divergent opinions concerning ear piercing, some considering it blameful, and others as forbidden³.

In his commentary of the verse 4:118-119, the sheikh Abduh condemns body modification, except for circumcision. He writes: "Modifications that deserve blame and condemned as demonically inspired are those that distort, otherwise one should not consider as *sunnah* circumcision, use of henna and clipping of nails"⁴.

¹ Al-Bukhari, hadith 5931; Muslim, hadith 1678.

² Ibn-al-Jawzi: Ahkam al-nisa, p. 9-10.

³ Al-Mardawi, vol. 1, p. 125.

⁴ Abduh: Tafsir, vol. 5, p. 428.

I found only one debate in classic documents linking circumcision to the perfection of God's creation. This debate deserves full mention:

It is reported that Ja'far Al-Sadiq had been asked by the Zandiq: "Tell me, can one reproach anything to God's creation?" Ja'far answered: "No". The Zandiq asked: "God made his creation. Why do you then alter it, considering the ablation of the foreskin better than what he created, blaming the uncircumcised whereas God created him, and praising the circumcision whereas it is your doing? Or would you say that God created erroneously without wisdom?" Ja'far answered: "No, what God did is wise and correct, but he prescribed circumcision and imposed it to his creature. The same with the umbilical cord that connects the child to his mother and that God orders to cut because to let it attached would lead to damage for the child and his mother. In the same way, he orders to clip the nails when they become long whereas he was able at the time of creation to make them in such a manner that they don't grow. In the same way hairs of the head and moustaches are cut when they grow. The same with bulls who are born whole and one castrates them because it is better, and by so doing there is no reproach to what God created"¹.

C) Argument of the perfection of the creation in the present

a) Argument against female circumcision

If in the past the argument of the perfection of God's creation has not been admitted against circumcision, this argument is extensively used nowadays, notably by opponents to female circumcision. We give here some quotes. Al-Awwa writes:

God's Messenger forbade the modification of God's creation. According to an authentic narrative he cursed those who change God's creation. The Koran considers the ablation of certain organs as an offence, including those of animals. It is even what the Demon promised to use to mislead mankind to distort the creation of God [Koran 4:118-119] Female circumcision, as practiced in Egypt and other regions of the Muslim world, include a distortion of God's creation and an obvious ablation of immune organs. If such distortion on animals constitutes a misleading on behalf of the Demon, what should we say then about the distortion on human beings²?

Al-Najjar writes:

If the small girl whom parents want to circumcise could express herself, she would have shouted in their face: Free me and don't torture me. Islam forbade torture. Muhammad says: "A prejudice against a Muslim is a prejudice against me, and a prejudice against me is a prejudice against God". Leave my femininity that God created and don't make me a physical, psychic and social prejudice whereas God says: "We created man in the best design" (Koran 95:4). It is the call of the nature according to which God created me³.

Amin Da'ud writes that Pharaonic circumcision is a diabolic idea to which calls the Demon. He invokes here verses 4:118-119 and the narrative relative to the tattoo and adds:

The man who permits his girl to be circumcised in the manner known today in Sudan is cursed by Muslim law and commits a big offence and a big sin [...]. Some, not benefiting the grace of the eyesight, hold that Pharaonic circumcision is a chastity and protection for the girl. If it were true, God would have created him without genitals. However,

¹ Al-Amili: *Wasa'il al-shi'ah*, vol. 15, p. 162-163.

² Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex 12.

³ Al-Najjar: *Mawqif al-islam*, p. 9.

"We created man in the best design" (Koran 95:4). And no one is more zealous than God¹.

Uways writes that female circumcision "violates the integrity of girl's body and deprives her of a part of the natural genital organ that God created for a reason and a goal that he knows". Uways distinguishes between female and male circumcision, this last being, according to him, an ablation not of a part of the man's genital organ but, but of a superfluous skin (*jild za'id*)².

One finds a condemnation of female circumcision on the basis of the argument of the perfection of God's creation and a distinction between female and male circumcision in the preface of a book against female circumcision from Muslim point view published by the regional office of the WHO in Alexandria. The preface is written by Husayn Abd-al-Raziq Al-Jaza'iri, director of this office³.

These quotations among so many others prove that the modern Muslim authors recognize how important the concept of the perfection of God's creation is; perfection tampered by female circumcision. But these authors exclude the application of this concept to the issue of male circumcision, that they consider ablation of a superfluous skin. However, this way of thinking is a mistake and a sign of ignorance of genital anatomy. These authors also forget that some types of male circumcision are more serious than some types of female circumcision. We will come back to this question in the medical debate.

Let's note that proponents of female circumcision also resort to the argument of the perfection of God's creation. So Majdi Fathi Al-Sayyid writes:

The attachment to the specificities of Islam, of which circumcision, makes appear the beautiful picture according to which God created the human being and of which he says: "He designed you and perfected your design" (64:3). "We created man in the best design" (95:4). So the man appears in a picture to which no other picture is superior. To quit or to disregard these natural traditions constitutes a distortion of this divine creature⁴.

It means for this author that the human being acquires "the best design" through the performance of male and female circumcision and not by abandoning these two practices.

b) Argument against male circumcision

Contrary to the above-mentioned authors, a small number of modern Muslim authors condemn female circumcision as well as male circumcision in the name of the principle of the perfection of God's creation. It is important to present them summarily.

Nawal Al-Saadawi

The writer and physician Egyptian Nawal Al-Saadawi is an object of continual attacks by Islamists. She has been jailed and under police protection at various times. In one of her books, she describes circumcision to which she was submitted and she condemns it firmly on grounds of the perfection of God's creation. We mention here a passage of her writings against this practice:

Religion, if authentic in the principles it stands for, aims at truth, equality, justice, love and healthy wholesome life for all people, whether men or women. There can be no true religion that aims at disease, mutilation of the bodies of female children, and amputation of an essential part of their reproductive organs.

¹ Da'ud: Al-khitan al-far'uni, p. 22-23.

² Uways, p. 9 and 12.

³ Al-Sabbagh, preface.

⁴ Ibn-Asakir, preface, p. 7.

If religion comes from God, how can it order man to cut off an organ created by Him as long as that organ is not deceased or deformed? God does not create the organs of the body haphazardly without a plan. It is not possible that He should have created the clitoris in a woman's body only in order that it be cut off at an early stage in life. This is a contradiction into which neither true religion nor the Creator could possibly fall. If God has created the clitoris as a sexually sensitive organ, whose sole function seems to be the procurement of sexual pleasure for women, it follows that He also considers such pleasure for women as normal and legitimate, and therefore as an integral part of mental health¹.

This text and many others² clearly condemn female circumcision but remain silent concerning male circumcision, despite the fact that the same argument should condemn both practices. Al-Saadawi revealed in the last years that her silence was due to censorship that impeded her from writing against male circumcision. So in an article appearing February 5, 1995, she says:

Since I quit the Faculty of medicine in December 1954, I felt a big responsibility concerning what is called the circumcision or ablation of a part of the body of the boy or the girl for hygienic, morals, religious or aesthetic pretences.

I learned that the scalpel must cut from the body only the sick part. Why then do we cut the healthy parts? Evidently we didn't learn anything about reasons for performing male and female circumcision. One trained us merely to practice these operations when we were in the division of surgery [...].

By a natural feeling, I refused to practice these operations for boys and girls. How could I cut with the scalpel the healthy body of a child? All parts of the human body have a role, including appendices [...].

In the sixties, I was member of the physicians' association. I intervened in a session asking the council of the association to forbid male and female circumcision in Egypt. But the majority refused to discuss this affair. The majority of physicians said that the male circumcision was useful for health, the cleanliness and the form, and that it is a light operation of purification similar to clipping the nails. Some said that it was a very useful old custom for health and, besides, mentioned in the Bible. And we, Muslims, believe in the Bible, the Gospel and the Koran.

So has been closed the debate on the male circumcision. And when I asked to forbid the female circumcision, the majority of physicians also refused to discuss it. A physician said that the girl's circumcision is necessary for health, cleanliness and form, that it is a light operation of purification similar to clipping the nails without negative effects on the woman's life or on her health, and that the amputated organ didn't have any utility, on the contrary, it was harmful. It pushes the woman to satisfy her sexual desires at the expense of her husband and children.

I could not convince my colleagues of the physicians' association. Then I made use of the pen to have access by the writing to ordinary people. In the beginning, censorship cut everything that concerned male or female circumcision. In the sixties, it began to alleviate its control, giving me the liberty thus to write against female circumcision. But censorship always cut the most important elements. With regard to male circumcision, it didn't permit me to write whatsoever against it³.

¹ Al-Saadawi: *Al-mar'ah wal-sira al-nafsi*, p. 74.

² See Al-Saadawi: *The hidden face of Eve*, p. 42.

³ Al-Saadawi: *Haqa'iq al-tib al-jadidah*.

Al-Saadawi confirmed her opposition to male circumcision in other articles as well as in the preface she wrote for the first volume of my book on circumcision in Arabic¹.

Mustafa Kamal Al-Mahdawi

This retired Libyan judge wrote a book in which he says that male circumcision is a Jewish custom contrary to the Koran. He mentions the verse 3:191 in this respect: "Our Lord, You did not create all this in vain!"²

Al-Mahdawi was attacked by Muslim religious authorities who accused him of apostasy. Abu-Bakr Jabir Al-Jaza'iri, preacher of the mosque of the Prophet Muhammad in Medina, published a booklet against him in which he asks Muslim scholars to decide to burn his book, to invite him to repent and, if he refuses to comply, to apply against him the death penalty for apostasy³. He makes him 34 reproaches of which his negation of the "legitimacy of circumcision in Islam [...] whereas there is unanimity that circumcision is a *sunnah* and that no successor or companion of Muhammad was not circumcised"⁴. One notices here that Al-Jaza'iri doesn't say that Muhammad was circumcised as the information concerning this question is contradictory. We will return to this question.

After a suit that lasted years, the Libyan appeal court in Benghazi took a contradictory decision in June 1999, acquitting Al-Mahdawi of apostasy, but forbidding the distribution and reprinting of his book.

Jamal Al-Banna

He is the cadet brother of Hasan Al-Banna, founder of the *Muslim Brothers*. He wrote many books aiming to renovate Islamic thought. On our demand, he wrote a text that we published in the first volume of our book in Arabic on male and female circumcision⁵.

In this text, Al-Banna rejects male and female circumcision invoking, in addition to the damage that results by it, the argument of the perfection of God's creation. He says there:

The Koranic verse 95:4 "We created man in the best design" refutes the pretence that circumcision corrects an imperfection in human nature, because such pretence contradicts the Koranic text. God wanted men and women be "in the best design" [...]. I believe firmly that it is the right of men and women to live as God created them and that God made every organ "in the best design", including the sexual organs of man and woman.

Anonymous Syrian professor of medicine

Professor Al-Qadiri, of the Faculty of medicine of Damascus, wrote a book in favour of male circumcision. He indicated in this book that the motive behind its publication was to answer questions raised over circumcision by his professor, without naming him. The professor in question had called circumcision a barbaric operation, proposing that God could not have created something non-essential. He encouraged the students not to practice it⁶.

¹ See Al-Saadawi: Marrah ukhra; Al-Saadawi: Awqifu khitan al-dhukur; and the preface of my book: Aldeeb Abu-Sahlieh: Khitan, p. 11-16. English translation of this preface in: <http://www.fgmnetwork.org/articles/nawal.php>.

² Al-Mahdawi, vol. I, p. 348-350. See the complete text of Al-Mahdawi concerning circumcision in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 22.

³ Al-Jaza'iri: Ya ulama al-islam iftuna, p. 44.

⁴ Ibid., p. 28.

⁵ Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 23

⁶ Al-Qadiri, p. 12.

Section 2.

Circumcision in the *sunnah* of Muhammad

We saw that the Koran is silent about male and female circumcision. The opponents to this practice interpreted this silence on the basis of Koranic philosophy that affirms perfection of God's creation; thus regarding circumcision as contrary to the Koran.

Proponents prefer to take refuge behind two ambiguous verses, which according to them, sustain male circumcision. They agree that female circumcision has no basis in the Koran, but they add that this last didn't regulate all social questions and that its lacunae must be filled by resorting to the *sunnah* of Muhammad, the second source of Muslim law. The *sunnah* would justify, according to them, both female and male circumcision. But recourse to the *sunnah* is not an easy thing. Indeed, the authenticity of many narratives assigned to Muhammad is put in doubt and some Muslims even refuse any recourse to the *sunnah*.

1) *Sunnah* of Muhammad, the second law source

The *sunnah* of Muhammad is divided into three categories:

- Oral *sunnah*: It is the sayings of Muhammad on a determined question.
- Factual *sunnah*: It is the acts of Muhammad.
- Approbative *sunnah*: It concerns acts of which Muhammad had knowledge without disapproving them¹.

Muslims consider the *sunnah* of Muhammad in general as the second source of Muslim law after the Koran. As Messenger of God and depository of his revelation, he would be the model to follow by a Muslim that wants to conform his life to divine will. The Koran says: "Your friend (Muhammad) was not astray, nor was he deceived. Nor was he speaking out of a personal desire" (53:2-3); "So take what the Apostle assigns to you, and deny yourselves that which he withholds from you" (59:7). Therefore, Muhammad is considered infallible. In a collection of *sunnah* published by the Egyptian religious affairs ministry, one reads what follows:

God's law cannot be known but by the enlightenment brought by God's Messenger. If the Koran constitutes the first source of the law, the *sunnah* is the exegesis that clarifies its dark points and it is the second source of the law. One can also say that the first and the second sources are bound intimately, or even they are the two parts of the same source, that is what descended of the sky².

The majority of Muslims believe that the *sunnah* remains the reference despite change of times and customs, including narratives of Muhammad which concern male and female circumcision. In a book dedicated to these two practices, Al-Sukkari writes:

It doesn't make a doubt that the best century is the one where lived God's Messenger, followed by the century after. So centuries decrease in importance, one century after the other. This reduction doesn't touch only the attachment to the religion but also all human activities despite the industrial and medical development unknown before our century. Indeed, the valve of safety in this life consists in imitating God's Messenger³.

To know the *sunnah* of Muhammad, Muslims refer notably to compilations that gathered sayings and facts of Muhammad. The Sunni Muslims have their own compilations and the Shiite Muslims, theirs. Each of the two groups avoids carefully mentioning compila-

¹ Al-muntakhab min al-sunnah, vol. 1, p. 25.

² Ibid., vol. 1, p. 8.

³ Al-Sukkari, p. 33.

tions of the other group, challenging them as being unauthentic. Our book is the only one that doesn't limit itself to compilations of only one group. We refer here to the Sunnite compilations as well as to the Shiite compilations. This doesn't mean that we consider all what is said in their compilations are authentic.

Despite the importance that Muslims grant to the *sunnah* of Muhammad, they make a clear distinction between the Koran and compilations of the *sunnah*. For them, the Koran is the unique depository of God's words, that never underwent falsification or change. But compilations of the *sunnah* are multiple and they are not all equal as regards to narrative authenticity. The religious scholars classified these narratives according to different categories. So one speaks of holy¹, authentic, good, weak, apocryphal, disapproved, irregulars, invented, etc.². Contradictions between narratives are not rare. Ibn-Khaldun (d. 1406) writes:

It should be known that religious leaders of independent judgment differed in extent of their knowledge of traditions. It is said that the number of traditions that Abu-Hanifah transmitted came to only seventeen or so. Malik accepted as sound only traditions found in *Al-Muwatta*. They are at most 300 or so. Ahmad Ibn-Hanbal has 30,000 traditions in his *Musnad*. Each authority has as many traditions as his independent judgment in this respect allowed him to have³.

For these reasons, opponents to male and female circumcision doubt the invoked narratives. We will see thereafter that some even challenge all the *sunnah*.

Let's note here that Shiites place Muhammad and their own imams (guides) on a foot of equality with regard to infallibility. Maghniyyah says about the imam: "His judgment is worth God's judgment and cannot be the opposite [...]. The imamate means the prophecy and necessarily it implies the infallibility, because a blind would not know how to guide a blind"⁴. For this fact, we indicate narratives assigned to the imam Ali (d. 661) and Ja'far Al-Sadiq (d. 765), mentioning the imam we quote.

2) Narratives in favour of male and female circumcision

The following are narratives about circumcision, classified by theme.

A) Narratives concerning Abraham's circumcision

We indicated before these narratives when we treated the verse 2:124: "Recall that his God tested Abraham through certain words, and he fulfilled them. (God) said: "I am appointing you an imam for the people" (2:124). Note that compilation of *sunnah* by the Egyptian ministry of religious affairs, mentions Abraham's circumcision narrative in the first place in support of male circumcision, followed by narrative of Uthaym Ibn-Kulayb of which we will speak further⁵.

B) Narratives concerning Muhammad's circumcision

If Muhammad was circumcised, Muslims are supposed to do likewise. But information on Muhammad's circumcision is contradictory. They are summarized by Al-Ansari (d. 1596) as follows:

It has been reported that our Prophet was born circumcised like thirteen other prophets, that the angel Gabriel circumcised him when he purified his heart, and that his grandfather Abd-al-Muttalib has circumcised him when he was seven days old. But narrators (*huffath*) say that none of this is authentic and they refused to take account of Al-

¹ Holy narrative (hadith qudsi): narrative attributed by Muhammad to God but not included in the Koran.

² Al-Ahdal, p. 103-188.

³ Ibn-Khaldun, vol. II, p. 460.

⁴ Maghniyyah: Al-tafsir, vol. 1, p. 197.

⁵ Al-muntakhab min al-sunnah, vol. 3, p. 94-95.

Hakim's sayings according to whom the most frequent narratives affirm that he was born circumcised [...]. One can reconcile these narratives however by saying that it could happen that Muhammad was born with a reduced foreskin. Some narrators saw this fact and named it circumcision whereas others named it uncircumcision. Some narrators who examine the *sunnah* say that presumably he was not born circumcised¹.

Each of these alternatives is sustained by narratives of Muhammad and classic authors. We give some of them here.

- The first alternative says that Muhammad was born circumcised, narrative that is not without recalling the Jewish legends of which we spoke higher. Al-Asbahani (d. 1038) reports a narrative of Malik according to which Muhammad would have said: "My nobility to God appears by the fact that I was born circumcised and that no one saw my genitalia". He also mentions sayings of Ibn-Abbas according to whom "God's Messenger was born circumcised and the umbilical cord cut. His grandfather saw in this good fortune and said: my son will be important, and he was important indeed"².
- The second alternative is that the angel Gabriel would have circumcised Muhammad when he purified his heart. This episode is a matter of hagiography. It tells that at four years old, Muhammad was playing in the prairie when two angels in the form of white birds laid him on his back, opened his stomach, took its contents and washed it with frozen rose water before putting it back in his stomach. Muhammad was supposedly circumcised at that moment by the Gabriel angel³.
- The third alternative is that the grandfather Abd-al-Muttalib circumcised Muhammad on the seventh day of his birth. Ibn-Qayyim Al-Jawziyyah, who mentions this calls it a "narrative whose transmission chain is strange"⁴.
- The fourth alternative is that Muhammad was born circumcised in an incomplete manner. Al-Halabi leans for this solution. He estimates that the grandfather of Muhammad could have completed his circumcision. But he notices that such a possibility would enter in conflict with the aforementioned narrative of Muhammad according to which no one saw his genitalia⁵.

These contradictory speculations around an important fact of Muhammad's life lead us to the conclusion that Muhammad was not really circumcised. This conclusion seems confirmed by the fact that neither Ibn-Ishaq (d. 767) nor Ibn-Hisham (d. 828), the two famous biographers of Muhammad, speaks of his circumcision. One should notice here that the version where Muhammad was supposedly circumcised by his grandfather on the seventh day recalls Jewish circumcision performed on the eighth day (seven days added to the birthday). Muhammad would have thus been circumcised according to the Jewish ritual. It implies that he was of Jewish origin; not affirmed by any source. Rather, we know that Muhammad belonged to a tribe in part polytheistic and in part Christian. The famous priest (bishop) Waraqa Ibn-Nawfal⁶ (d. 610) was a relative of Muhammad and his first wife Khadijah. A modern author proposes that it is this priest who celebrated their marriage⁷. In fact,

¹ Al-Ansari: Nihayat al-muhtag, vol. 8, p. 36.

² Al-Asbahani, p. 99.

³ Ibid., p. 104.

⁴ Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

⁵ Al-Halabi, vol. 1, p. 54-55.

⁶ Ibn-Hisham: Al-sirah al-nabawiyyah, vol. 1, p. 229.

⁷ Al-Hariri, p. 37-41.

Muhammad remained monogamist as long as Khadijah lived. This means he was a member of a Christian community, which did not circumcise, as we will see farther.

We have to notice here many narratives of Muhammad asking Muslims not to look like the Jews¹. It is the reason for which some classic jurists oppose performing male circumcision on the 7th day.

C) Narratives concerning Hasan's and Husayn's circumcision

Some propose that male circumcision is obligatory for Muslim males because Muhammad circumcised his grandsons Hasan and Husayn. They consider that if Muhammad did it, it is because circumcision is obligatory, according to him.

Shiite compilations report that Muhammad circumcised his two grandsons on the 7th day². This account is neither mentioned in six accredited Sunnite compilations, nor in a compilation of Ibn-Hanbal, nor in two biographies of Muhammad written by Ibn-Ishaq and Ibn-Hisham. But one finds it in secondary Sunnite compilations, such as Ibn Abi-al-Dunya³, Al-Bayhaqi⁴ and Ibn-Asakir⁵.

Nowadays, Jad-al-Haq, Sheik of Al-Azhar, says the authenticity of this narrative is not proven⁶, whereas his colleague, the Mufti Al-Tantawi (currently sheik of Al-Azhar), says the opposite⁷. The idea that Muhammad would have circumcised his grandsons on the 7th day indicates following Jewish custom. Such inconsistency casts doubt on this narrative, as too the narrative relative to circumcision of Muhammad on that day.

D) Narratives concerning circumcision of Muhammad's daughters

Opponents to female circumcision note that Muhammad never circumcised his girls... meaning that he didn't consider female circumcision as obligatory or even advisable. So Sheik Abd-al-Rahman Al-Najjar says: "Muhammad had four girls and there is no mention in his biography that he has circumcised them"⁸. One also finds this argument in the flyer distributed by an association in Cairo opposed to female circumcision.

E) Narratives concerning *sunan al-fitrah*

The expression *sunan al-fitrah*, literally "laws of nature", indicates a set of innate instincts that are in every person. Some call them also simply *fitrah* or *sunnah*. The term *fitrah* is mentioned once in the Koran: "You shall devote yourself to the religion of strict monotheism. Such is the natural instinct placed into the people by God. Such creation of God will never change" (30:30).

Many narratives assigned to Muhammad speak about *sunan al-fitrah*. If we consult the famous commentary of Ibn-Hajar on the compilation Al-Bukhari, one can find the following narratives:

- Are part of the *sunnah* cutting of moustaches, depilating of armpits and clipping of nails.
- Four comprise of the Messenger's *sunnah*: modesty, perfuming, cleaning teeth and getting married.

¹ See Ibn-Hanbal, hadith 21780 and Muslim, hadith 2103.

² Al-Amili: *Wasa'il al-shi'ah*, vol. 15, p. 165.

³ Ibn-Abi-al-Dunya, p. 333.

⁴ Al-Bayhaqi: *Al-sunan al-kubra*, vol. 8, p. 562.

⁵ Ibn-Asakir, p. 43.

⁶ Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex 6.

⁷ Ibid., annex 10.

⁸ Al-Najjar, p. 7. See also Rizq, p. 38.

- Five make part of nature: rinsing mouth, snuffing water in nose, cleaning teeth, washing joints of fingers and sprinkling oneself with water.
- A'ishah reported: The Messenger of Allah said: Ten are the acts according to *fitrah*: clipping moustaches, letting beard grow, using tooth-stick, snuffing water in nose, cutting nails, washing finger joints, depilating armpits, shaving pubis and cleaning one's private parts with water. The narrator said: I have forgotten the tenth, but it may have been rinsing mouth.

One notices from these narratives that laws of nature passed from 3, to 4, to 5 and to 10. None of them mentions circumcision. Then later narrators replaced one word for another. A narrative reported by Abu-Hurayrah says: "The Prophet said: Five things are in accordance with the *fitrah*: to be circumcised, to shave the pubic, to depilate the armpits, to cut short the moustache, and to clip the nails". Other narratives exchanged washing "joints of fingers" with circumcising, etc. According to Ibn-Hajar, the laws of *fitrah* are sixteen and according to Ibn-al-Arabi they are thirty¹.

We notice also that Ibn-Kathir's version of *Al-Muwatta* of Malik mentions a narrative as follows: "Five make part of the *fitrah*: clipping the nails and moustache, depilating the armpits, shaving the pubis and circumcising"². But this narrative disappeared from Al-Shaybani's version of *Al-Muwatta*. This means that Malik suppressed it.

We find similar narratives in the compilations of the Shiites:

- Ali reports that Muhammad said: "God sent his friend [Abraham] with monotheism (*hanifiyyah*) and ordered him to clip the moustaches and the nails, to depilate the armpits, to shave the pubis and to circumcise himself"³.
- Ja'far Al-Sadiq says: "To pierce the boy's ear is a part of the *sunnah*, as well as to circumcise him on the seventh day".
- Ja'far Al-Sadiq says: "Are part of the Messenger's *sunnah* to clean faeces and to circumcise".
- Ja'far Al-Sadiq says: "Circumcision is a part of monotheism (*al-hanifiyyah*)"⁴.

Annotating the narratives relative to the laws of nature, Ibn-Hajar says: "Laws of nature are those which, if accomplished, make a person conform to the nature according to which God created his believers". He mentions Ibn-al-Arabi who says: "The five qualities mentioned in the narrative are all obligatory. If someone abandons them, he would not be a human being and, *a fortiori*, a member of the Muslim community". Ibn-Hajar adds: "These qualities have been ordered to Abraham and everything that God orders to follow becomes obligatory for those who receive the order". But he indicates that Al-Shafi'i and the majority of his companions consider only circumcision obligatory among these laws of nature⁵.

A modern author mentions the narrative: "Five are parts of the laws of the nature: circumcising, shaving the pubis, clipping the moustache and nails and depilating the armpits". Without mentioning the contradiction between the different narratives, he says:

Circumcision has been placed at the head of the laws of nature. These laws are part of nature because nature is monotheism (*hanifiyyah*), Abraham's religion. Abraham was ordered to accomplish these laws. They are part of the words Abraham accomplished.

¹ Ibn-Hajar, vol. 10, p. 336-338.

² Malik: *Al-muwatta bi-riwayat Ibn-Kathir*, vol. 2, p. 573.

³ Al-Amili: *Wasa'il al-shi'ah*, vol. 15, p. 164.

⁴ Al-Kalini, vol. 6, p. 35-36.

⁵ Ibn-Hajar, vol. 10, p. 339-340. See also Al-Qarrafi, vol. 13, p. 281.

This author concludes that "circumcision is indeed part of what God enacted to his believers and with which he embellishes their outside and inside; it completes nature according to which God created human beings"¹.

Proponents of male and female circumcision hold that circumcision in these narratives concerns both women and men. Opponents to female circumcision say that circumcision, as well as clipping the moustache, concerns only men².

F) Narratives ordering male circumcision

The Sunnite Muslims mention a number of narratives by Muhammad that order male circumcision. The Shiites add some others assigned to their imams.

- Narrative of Uthaym Ibn-Kulayb: His grandfather presented himself to Muhammad and declared that he converted to Islam. Muhammad ordered him: "Shave you hairs of disbelief". According to another source, he would have told him: "Shave you hairs of disbelief and circumcise yourself". Besides the narrative concerning Abraham's circumcision, the compilation of the *sunnah* of the Egyptian ministry of the religious affairs mentions only this narrative to sustain male circumcision. It says that the imperative verb in this narrative indicates that circumcision is an obligation³. Ibn-Hajar says about this narrative: "The transmission chain of this narrative is weak, nothing can be proven by it"⁴.
- Narrative of Abu-Hurayrah: Muhammad said: "The one who converts to Islam must be circumcised even though he is aged". Ibn-Qayyim Al-Jawziyyah says that this narrative is without transmission chain and cannot be invoked⁵.
- One asked Muhammad if an uncircumcised could make the pilgrimage of Mecca. He answered: "No, until he is circumcised"⁶. Ibn-al-Mundhir says about this narrative that its transmission chain is unknown and it cannot be proven⁷.
- Narrative of Ali: One found in the sheath of Muhammad's sword a paper with this writing: "The uncircumcised cannot be left in Islam until he is circumcised, even though he is 80 years old"⁸. This narrative is also reported by Ibn-Asakir⁹ and Al-Bayhaqi¹⁰. This last says that alone the Shiites admit this narrative.
- Narrative of Ali: "If a man converts to Islam, he must be circumcised even though he is 80 years old"¹¹.
- Narrative of Ja'far Al-Sadiq: "One sacrifices for the newborn and one circumcises him on the 7th day"¹².

G) Narratives on the uncircumcised's urine

The Shiites report narratives that consider the urine of the uncircumcised as impure. Muhammad reportedly said: "Circumcise your children on the 7th day because it is purer and

¹ Al-Jamal: Nihayat al-bayan, p. 13.

² Al-Awwa: Ta'qib ala al-ta'qib, p. 220; Ramadan, p. 28-29.

³ Al-muntakhab min al-sunnah, vol. 3, p. 95 and note 3 of the same page.

⁴ Ibn-Hajar, vol. 10, p. 341. See also Al-Shawkani: Nayl al-awtar, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 2.

⁵ Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1. See also Al-Shawkani: Nayl al-awtar, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 2.

⁶ Ibn-Asakir, p. 33; Al-Bayhaqi: Al-sunan al-kubra, vol. 8, p. 563.

⁷ Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

⁸ Mustadrak al-wasa'il, vol. 2, p. 622.

⁹ Ibn-Asakir, p. 31.

¹⁰ Al-Bayhaqi: Al-sunan al-kubra, vol. 8, p. 561.

¹¹ Al-Kalini, vol. 6, p. 37.

¹² Ibid., vol. 6, p. 36.

makes the flesh grow more quickly [...]. The earth becomes impure during forty days with the urine of the uncircumcised"¹. According to another version: "The earth hates the urine of the uncircumcised"². And according to a third version: "The earth howls toward God because of the urine of the uncircumcised"³.

H) Circumcision is *sunnah* for men, and *makrumah* for women

Al-Hajjaj Ibn-Arda'ah reports that Muhammad said: "The circumcision is a *sunnah* for men and *makrumah* for women"⁴.

The term *sunnah* here can mean an obligatory tradition of Muhammad, or a simple social custom which is not obligatory. As for the term *makrumah*, it means a meritorious act, not obligatory. The meaning of this narrative is therefore unclear. Besides, the reporter of this narrative is a doubtful personage, which means that one cannot rely on him. This personage has been challenged in the past by Al-Qurtubi⁵ and Ibn-Hajar⁶. Modern authors also challenge him. Al-Awwa says that even if this narrative were reliable, it would mean that female circumcision is not on the same degree as male circumcision⁷.

Despite doubts that surround this narrative, it is the only one quoted by the compilation of *sunnah* published by the Egyptian ministry of religious affaires to sustain female circumcision. Answering to critiques, this book says that one blames the reporter to assign his narratives to those he has not heard. In any case, it is necessary to consider this narrative because "events demonstrate that the abandonment of female circumcision leads to the most dangerous of habits: lesbianism. Figures prove that this habit only exists in countries where women are uncircumcised"⁸.

The Shiites report similar narratives of their imams:

- Ali says: "It is not bad that the woman be circumcised, but for the man circumcision is indispensable"⁹.
- Ja'far Al-Sadiq says: "The boy's circumcision is a *sunnah*, but the slave's (or girl's) circumcision is not"¹⁰.
- One asked Ja'far what to do with a female slave captured from a polytheistic region and who converts to Islam, but there is no woman to circumcise her. He answered: "Circumcision is a *sunnah* for men but not for women"¹¹.
- Ja'far Al-Sadiq says: "The slave's (girl's) circumcision is a meritorious act and not a *sunnah* or obligatory, but what thing is better than a meritorious act?"¹²
- Ja'far Al-Sadiq says: "Man's circumcision is a *sunnah*, and for woman a meritorious act"¹³.

¹ Al-Tubrusi: Makarim al-akhlaq, p. 220; Al-Kalini, vol. 6, p. 35. Narrative quoted also in Ibn-Asakir, p. 42.

² Al-Kalini, vol. 6, p. 36.

³ Al-Amili: Al-lam'ah al-dimashqiyyah, vol. 5, p. 446. See also Ibn-Abi-al-Dunya, p. 333.

⁴ Al-Bayhaqi: Ma'rifat al-sunan, vol. 13, p. 63.

⁵ Al-Qurtubi: Al-jami, vol. 2, p. 99.

⁶ Ibn-Hajar, vol. 10, p. 341.

⁷ Al-Awwa, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 12. See also Al-Awwa: Mafahim khati'ah, p. 208.

⁸ Al-muntakhab min al-sunnah, vol. 3, p. 96-97, note 1.

⁹ Al-Amili: Wasa'il al-shi'ah, vol. 15, p. 163.

¹⁰ Ibid., vol. 15, p. 163.

¹¹ Ibid., vol. 15, p. 167.

¹² Ibid., vol. 15, p. 167.

¹³ Al-Kalini, vol. 6, p. 37.

We can object to these narratives that Arabs use the expression “*son of a woman who cuts the clitoris*” as an insult. How can one consider female circumcision a meritorious act if it is also an insult to be called a son of such a woman?

I) If the two circumcisions meet

One asked A'ishah, wife of Muhammad, if a man had to wash after sexual intercourse without ejaculation. She answered by the affirmative. Her answer is mentioned in different forms, one of them is: "If the two circumcisions meet or touch each other, it is necessary to wash"¹. This means that if the circumcised male sex touches the circumcised female sex, it is necessary to wash. One may deduce that circumcision was practiced in the days of Muhammad².

Al-Awwa, a modern author, proposes that this narrative is the most reliable one concerning circumcision, but this narrative doesn't necessarily indicate that women were circumcised in the days of Muhammad. From the grammatical point of view, the Arabic language names two things by reference to one of the two. So one says the two suns to indicate the moon and the sun. In the same way, one says the two circumcisions whereas the man is the only one circumcised. But even if we admit that the narrative speaks of two circumcisions, this narrative doesn't say that it is necessary to circumcise, but that it is necessary to wash if parties' genitalia involved touch each other³.

Note here that this narrative contradicts a unanimous rule that it is not necessary to wash when there is no ejaculation⁴.

J) The narrative of the female circumciser of slaves

We now come to the most important narrative concerning female circumcision. This narrative has two main versions.

a) First version

Muhammad met a woman named Um-Atiyyah who used to circumcise female slaves or girls (*jawari*) and told her: "Cut little and don't overdo because it brings more radiance to the face and it is more pleasant for the husband". This formula has different variants that give the same sense. Abu-Da'ud considers this narrative little reliable⁵.

The classic and modern authors mention this narrative extensively. They deduce that Muhammad didn't forbid female circumcision but determined the manner to do it. Opponents say that this narrative proves female circumcision was practiced in Muhammad's time. But as he could not forbid it completely, he tried to reduce its ominous effects by counselling that ablation should be minimal⁶.

b) Second version

According to this version, Muhammad met a woman named Um-Habibah who used to circumcise female slaves or girls and asked her if she kept practicing her profession. She answered affirmatively adding: "unless it is forbidden and you order me to stop doing it". Muhammad replied: "Yes, it is allowed. Come closer so I can teach you: if you cut, do not

¹ See this narrative in Al-Bayhaqi: *Ma'rifat al-sunan*, vol. 1, p. 462-468.

² Al-Marsafi, p. 15.

³ Al-Awwa: *Ta'qib ala al-ta'qib*, p. 218 and Al-Awwa in Aldeeb Abu-Sahlieh: *Khitān*, vol. I, annex 12.

⁴ Al-Marsafi, p. 15.

⁵ Abu-Da'ud, *hadith* 5271. See also Al-Bayhaqi: *Al-sunan al-kubra*, vol. 8, p. 562; Ibn-Abi-al-Dunya, p. 331 and the note.

⁶ See also Al-Saadawi: *Al-mar'ah wal-sira al-nafsi*, p. 72; Al-Sabbagh, preface; Al-Awwa, in Aldeeb Abu-Sahlieh: *Khitān*, annex 12; Ahmad: *Ara ulama al-din*, p. 8-9; Ramadan, p. 29-30.

overdo it, because it brings more radiance to the face and it is more pleasant for the husband".

This version is especially mentioned by the sheik Jad-al-Haq¹. Contrary to the previous version, it indicates that Muhammad considered female circumcision as licit if not exaggerated.

Al-Awwa blames the sheik Jad-al-Haq for not mentioning his source. As this narrative is not in Sunnites' compilations, Al-Awwa thinks that the sheikh invented it². But in fact it exists in the Shiite sources³. This is may be the reason for which the Sheik is silent about his sources, and Al-Awwa could not find it. Al-Ghawwabi writes about this narrative, changing the name to Um-Atiyyah:

The Messenger was not "speaking out of a personal desire" (Koran 53:2-3). If he didn't approve the practice of Um-Atiyyah, why then didn't he say explicitly: "Don't circumcise the slaves" whereas she asked him to forbid her to practice this profession if it was illicit. If Muhammad didn't want this practice he would have prohibited it instead of teaching the correct method to circumcise [...]. If he thought circumcision was damaging, he certainly would have explicitly forbidden this practice, as a person who receives the revelation and science from God⁴.

3) Non-authenticity and assignment of these narratives to Jews

Scholars have deduced in a general manner that these narratives don't legitimize either female or male circumcision, on the religious level.

So Al-Shawkani, after having doubts concerning the interpretation of the above mentioned verse 2:124, challenged all narratives relative to circumcision, affirming: "In truth, no authentic proof exists that sustains the obligatory character of circumcision"⁵. This same conclusion is repeated by Sheikh Shaltut with regard to male and female circumcision⁶, by Sabiq⁷, and Al-Awwa⁸ with regard to female circumcision.

One must however notice that if there are serious doubts concerning the obligatory character of female circumcision, no narrative forbids this practice in a formal manner⁹.

If Muslim authors are mainly opposed to female circumcision, it is however necessary to notice that some are also opposed to male circumcision as said before. These authors go on to assign male circumcision to Jews converted to Islam in the time of Muhammad.

Among modern authors who assign male circumcision to the Jews we mention notably the Egyptian Isam-al-Din Hafni Nasif. He translated into Arabic an American book by Joseph Lewis against male circumcision titled *In the Name of Humanity*. He gave to his translation the title *Circumcision is a Harmful Jewish Error*¹⁰, and wrote a long foreword to this book under the title *Researches on circumcision in the Muslim nations, which is one of the Israelite traces in Islam*¹¹. His book has been published secretly (in 1971?) by a governmental

¹ See these two fatwas in Aldeeb Abu-Sahlieh: Khitan, vol. I, annexes 5 and 6. See also Al-Ghawwabi, p. 50; Al-Jamal: Nihayat al-bayan, p. 47.

² Al-Awwa: Ta'qib ala al-ta'qib, p. 221-222; Al-Awwa in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 12.

³ See this narrative in Al-Kalini, vol. 6, p. 38; Al-Tubrusi: Makarim al-akhlaq, p. 220. See also Aldeeb Abu-Sahlieh: Khitan, p. 290.

⁴ Al-Ghawwabi, p. 53-54.

⁵ Al-Shawkani, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 2.

⁶ Shaltut, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 8.

⁷ Majallat al-tahrir, 28.10.1958, quoted by Ahmad: Ara ulama al-din, p. 12-13.

⁸ Al-Awwa, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 12.

⁹ Al-Sukkari, p. 104.

¹⁰ Lewis: Al-khitan dalalah isra'iliyyah mu'dhiyah.

¹¹ Text in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 20.

publishing house; it disappeared from bookstores quickly. But the sarcastic journalist Muhammad Afifi made a very laudatory report of it and unconditionally sustained Nasif's position¹. Assignment of circumcision to the Jews is also in Mustafa Kamal Al-Mahdawi's book, already noted.

Note in this respect that Jews have a historic precedent. Indeed, those converted to Christianity attempted in the first centuries to impose circumcision on pagans who became Christian. This failed because of their limited influence in a Roman Empire, hostile to circumcision and because of Paul's firm opposition. The Jews had more success with the Muslim community. Indeed, they formed in the Arab society at the time of Muhammad intellectual elite. Those who converted to Islam were recognized as referential interpreters of the Koran, which contains a lot of information from the Bible. It is sufficient to open the commentary of Al-Tabari to appreciate the great influence of Jewish tradition. One should mention here the important role played by Ka'b Al-Ahbar, a Yemeni Jew convert to Islam and one of the narrators about Muhammad. We will come back farther on the role of the Jews in the transmission of circumcision to Muslims.

4) Rejection of the *sunnah*

While some Muslim authors have doubts about the authenticity of narratives relative to circumcision, some contemporary Muslims completely reject the *sunnah*. Thus they deprive Muslim law of one of its two sources, and hence they make male and female circumcision without religious legitimacy since the Koran does not mention them.

The Libyan Colonel Mu'ammarr Al-Qadhafi, who refuses all other text than the Koran², belongs to this current. His compatriot the Libyan judge Mustafa Kamal Al-Mahdawi aforementioned, likewise rejects male circumcision because it is not mentioned in the Koran.

There is also a group of Muslims in the United States and Canada called *International Community of Submitters*³, founded in 1986 by the Egyptian engineer Rashad Khalifa, imam of the Mosque of Tucson. This group numbers about ten thousand adherents from different Muslim countries. Khalifa was at one time very sought-after by Arab televisions and radios because of his famous theory according to which the Koran is a divine text marked by God of the number 19 mentioned by the following verses:

He said: "This is but clever magic! This is human made". I will fling him unto the burning fire. Ah what will convey unto you what that burning fire is! It spares naught. It leaves naught. It shrivels the man. Above it there are nineteen wardens (74:26-30).

Using the computer, Khalifa tries to count the letters of the verses of the Koran and notice that verses have 19 letters, divisible by 19, etc. He published on this topic a book titled *The miracle of the holy Koran*⁴.

At the top of his notoriety, Khalifa published a booklet in English titled *Quran, Hadith and Islam*. This booklet provoked the anger of Muslim religious authorities, who issued *fatwas* against its author, accusing him of apostasy. It is probably the reason why a Muslim murdered him in 1990. Khalifa affirms: "The extremely popular *hadith* and *sunnah* have nothing to do with the Prophet Muhammad, and that adherence thereto represents flagrant disobedience of God and His final Prophet". As he correctly says, "this finding contradicts the

¹ Afifi, text in Aldeeb Abu-Sahlieh: *Khitān*, vol. I, annex 21.

² Al-Sadiq: *Tajribat Al-Qadhafi*, p. 13.

³ International Community of Submitters, P.O.Box 43476, Tucson, AZ 85733-3476, tel. (520) 3237636.

⁴ Khalifa: *Mu'jizat al-Qur'an al-karim*.

beliefs of Muslim masses everywhere". According to him, the *hadith* and the *sunnah* are satanic innovations that the Koran imposes to reject:

These are God's revelations that we recite to you truthfully. In which *hadith* other than God and His revelations do they believe? Woe to every fabricator, guilty (45:6)¹.

Khalifa indicates that the *hadiths* are falsified texts assigned unjustly to Muhammad by people who never saw him. The most important compilation of *hadith*, the one of Al-Bukhari, was compiled 200 years after the death of Muhammad².

Khalifa didn't tackle circumcision, but he contributed to its dismissal by Edip Yuksel, a representative of his community. He writes in a communiqué on Internet:

For more than thirteen centuries here in the Muslim world exists a ritual known as Male and Female Circumcision. Solely a Jewish tradition, the Circumcision ritual...plus many other Jewish traditions...has found a willing host in the post-Mohammadan Muslim world. This man-made invention and innovation...not found in God's last scripture, holy Qur'an...has been a curse on millions of children, both male and female, across the Muslim world.

Every year in Egypt and other Arab countries thousands of female children are mutilated in the name of God. Scared for life, these children experience the most painful ordeal of their life, all in the name of God. One might ask how could a Merciful God advocate such evil and injustice to these children? Could it be that sin falls on our own hands? Could it be that we are the unjust and we are the demons advocating such cruel and coward injustice towards our children!

To all true scholars of Qur'an the answer is clear. God with his infinite grace did not and would not condone such cruel ritual. This act is not found anywhere in the Qur'an. It is only in such man-made innovations such as "*hadith* and *sunnah*" that one can find such cruel laws and rituals. It is the authors of these blasphemies that are responsible for these centuries-old crimes done in the name of God. All throughout history, laws and rituals have been conjured up and put in place in male dominated societies only to subjugate, women, children and the weak.

It is only by Worshipping God alone and Following Qur'an alone that we can find salvation and purity, both physical and spiritual, for ourselves and all those oppressed in the name of God.

This communiqué sends readers to my article on the Internet titled *To mutilate in the name of Jehovah or Allah*³. Contacted by email, Yuksel confided with me that the article in question opened his eyes and the eyes of his friends⁴.

We can conclude this section dedicated to the *sunnah* by saying that that there are divergences among Sunnites on the utility of this source to sustain male or female circumcision. We notice also that Shiite authors don't generally criticize the *hadiths* and splice narratives one after the other without noting internal contradictions. This attitude is probably due to the fact that they believe in the infallibility of their imams. These authors continue to mention narratives on female circumcision without telling us if one should practice it in our time despite the fact that Iran, according to our information, doesn't know this practice. But

¹ Khalifa: Quran, Hadith and Islam, preface and p. 82.

² Ibid., preface and p. 57 and 83.

³ See <http://www.Muslim.org/khatne.htm>.

⁴ E-mail received on 10.2.1997 from Edip Yuksel (ey61525@goodnet.com).

information indicates that female circumcision is practiced by the small ethno-religious Daudi Bohra of the Ismaili Shia in India¹.

Section 3.

Circumcision in the previous prophets' laws

1) Previous prophets' law as law source

In addition to the Koran and the *sunnah*, the classic and modern Muslim jurists consider that God revealed laws to the prophets who preceded Muhammad. Therefore, the Muslims must follow them, provided that they are not abrogated by the message revealed later by God to Muhammad. These jurists say: "Laws of our precedents are our laws", according to the dedicated expression. Therefore these laws constitute a source of Muslim law.

It doesn't mean that Muslims accept the *Old* and *New Testament* as the source of Muslim law. These two books are considered by the Koran itself as falsified². Proof of this falsification is that the arrival of Muhammad is not announced in these books whereas it should be there. Therefore, Muslims relate what is mentioned in the Koran or in the *sunnah* about messages by previous prophets³. This is how Muslims invoke the order given to Abraham to circumcise, and follow this order in making their own laws. However, they don't refer to the Bible, but to a narrative of Muhammad.

In addition to Abraham's circumcision, Muslim authors refer to the apocryphal gospel of Barnabas, according to which Jesus had confirmed the obligation to circumcise. They also refer to a narrative according to which Sarah had circumcised Hagar.

2) Apocryphal Gospel of Barnabas

The apocryphal gospel of Barnabas exists in two manuscripts, an Italian and a Spanish (of which remain only some fragments). These two manuscripts are mentioned for the first time in the West in the 18th century. Their origin is uncertain. It seems that the Italian text, full of mistakes, was written in 14th century in Italy. It is unknown if it is a translation of a previous Arabic or even Spanish book. But one notices in this gospel Jewish, Judeo-Christian, Sabean and Muslim influences as well as influences of the hermits of Mount Carmel. The aim of its author or its successive compilers was to present a religion uniting common elements of the three Abrahamic religions. This apocryphal gospel directly opposes Paul's doctrine concerning circumcision and the divinity of Jesus Christ in its prologue⁴.

This apocryphal gospel was unknown to classic Muslim authors. It was revealed to modern Muslim authors through the English translation of Lonsdale and Laura Ragg in 1907, translated into Arabic by Khalil Sa'adeh, Oriental Christian, and published by Muhammad Rashid Rida in Cairo in 1908. Sa'adeh assigns this work to a Spanish Jew of the Middle Age converted to Christianity and thereafter to Islam⁵.

The apocryphal gospel of Barnabas is often invoked by the Muslims for controversial reasons against the Christians in Arab countries, through writings, radio and television⁶. In

¹ Toubia; Izett: Female genital mutilation, an overview, p. 21.

² See the Koran 2:79, 146, 174; 4:46; 5:15.

³ Hasab-Allah, p. 73.

⁴ See on this Gospel, the introduction written by Luigi Cirillo in *Evangelio de Barnabé*, p. 25-238; also discussion by S. Gosline at http://members.spree.com/education/shangri_la_p/barnabas.htm.

⁵ *Injil Barnaba*, preface of Khalil Sa'adeh.

⁶ See on these polemics Al-Haddad: *Injil Barnaba*.

1996, the Ministry of the Awqaf and Islamic affairs of Qatar republished the English translation¹, mentioning on the title page this sentence of Paul: "About Barnabas, the commandment is: "If he comes unto you, receive him" (Col 4:10).

Contemporary Muslims believe that this Gospel is the only authentic one since it announces the arrival of Muhammad and reports facts of Jesus' life as the Koran describes them. But they forget that this Gospel contradicts the Koran on certain important points, especially by qualifying Muhammad as the true Messiah foreseen by prophets².

What interests us here is that modern Muslim authors invoke passages of this apocryphal gospel to sustain their position in favour of male circumcision. In legal terms, these authors consider this apocryphal gospel as *previous prophets' law*³. We produce here these passages according to the English translation of Lonsdale and Laura Ragg⁴.

Prologue

Barnabas, apostle of Jesus the Nazarene, called Christ, to all them that dwell upon the earth desireth peace and consolation.

Dearly beloved, the great and wonderful God hath during these past days visited us by his Prophet Jesus Christ in great mercy of teaching and miracles, by reason whereof many, being deceived of Satan, under pretence of piety, are preaching most impious doctrine, calling Jesus son of God, repudiating the circumcision ordained of God for ever, and permitting every unclean meat: among whom also Paul hath been deceived, whereof I speak not without grief; for which cause I am writing that truth which I have seen and heard, in the intercourse that I have had with Jesus, in order that ye may be saved, and not be deceived of Satan and perish in the judgment of God. Therefore beware of every one that preacheth unto you new doctrine contrary to that which I write, that ye may be saved eternally. The great God be with you and guard you from Satan and from every evil. Amen.

Chapter 5

When the eight days were fulfilled according to the law of the Lord, as it is written in the book of Moses, they took the child and carried him to the temple to circumcise him. And so they circumcised the child and gave him the name Jesus, as the angel of the Lord had said before he was conceived in the womb⁵.

Chapter 22

The disciples questioned Jesus on that day, saying: "O master, why didst thou make such answer to the woman, saying that they were dogs?" Jesus answered: Verily I say unto you that a dog is better than an uncircumcised man". Then were the disciples sorrowful, saying: "Hard are these words, and who shall be able to receive them?" Jesus answered: "If ye consider, O foolish ones, what the dog doth, that hath no reason, for the services of his master, ye will find my saying to be true. Tell me, doth the dog guard the house of his master, and expose his life against the robber? Yea, assuredly. But what receiveth he? Many blows and injuries with little bread, and he always sheweth to his master a joyful countenance. Is this true?" "True it is, O master", answered the disciples. Then said Jesus: "Consider now how much God hath given to man, and ye shall see how unrighteous he is in not observing the covenant of God made with Abraham his servant. Remember that

¹ The Gospel of Barnabas.

² Evangile de Barnabé, chapter 42.

³ See Abd-al-Raziq: Al-khitan, p. 16 and Al-Hawwari, p. 69-74.

⁴ Evangile de Barnabé, p. 255, 261 and 285.

⁵ We notice here two errors. Circumcision was performed in the home not in the Temple. On the other side, the mother couldn't enter the Temple eight days after the birth because she was considered impure (Lv 12:4) (Evangile de Barnabé, p. 261, footnote 3 of the chapter V).

which David said to Saul king of Israel, against Goliath the Philistine: "My lord", said David: "while thy servant was keeping thy servant's flock there came the wolf, the bear, and the lion and seized thy servant's sheep: whereupon thy servant went and slew them, rescuing the sheep. And what is this uncircumcised one but like unto them? Therefore will thy servant go in the name of the Lord God of Israel, and will sly this unclean one that blasphemeth the holy people of God". Then said the disciples: "Tell us, O master, for what reason man must needs be circumcised?" Jesus answered: "Let it suffice you that God hath commanded it to Abraham, saying: "Abraham, circumcise thy foreskin and that of all thy house, for this is a covenant between me and thee for ever".

Chapter 23

And having said this, Jesus sat nigh unto the mountain which they looked upon. And his disciples came to his side to listen to his words. Then said Jesus: "Adam the first man having eaten, by fraud of Satan, the food forbidden of God in paradise, his flesh rebelled against the spirit; whereupon he swore, saying: "By God, I will cut thee!" And having broken a piece of rock, he seized his flesh to cut it with the sharp edge of the stone: whereupon he was rebuked by the angel Gabriel. And he answered: "I have sworn by God to cut it; I will never be a liar! "Then the angel showed him the superfluity of his flesh, and that he cut off. And hence, just as every man taketh flesh from the flesh of Adam, so is he bound to observe all that Adam promised with an oath. This did Adam observe in his sons, and from generation to generation came down the obligation of circumcision. But in the time of Abraham there were but few circumcised upon the earth, because that idolatry was multiplied upon the earth. Whereupon God told to Abraham the fact concerning circumcision, and made this covenant, saying: "The soul that shall not have his flesh circumcised, I will scatter him from among my people for ever". The disciples trembled with fear at these words of Jesus, for with vehemence of spirit he spoke. Then said Jesus: "Leave fear to him that hath not circumcised his foreskin, for he is deprived of paradise".

Before leaving the apocryphal gospel of Barnabas, we have to notice that a modern Muslim author refers to Jesus' circumcision and criticizes Paul for having abolished this practice through an interpretation of Moses' law according to his desires¹.

3) Narrative of the circumcision of Hagar

Muslims justified the practice of male circumcision by referring to Abraham, the model of believers, father of the Jews by Isaac, and of the Arabs by Ishmael. Some also tried to justify female circumcision by referring to Hagar, mother of Ishmael. Al-Jahidh (d. 868) writes in this respect: "Circumcision is practiced among Arabs by men and women on behalf of Abraham and Hagar until this day"².

Many Sunnite and Shiite classical sources report this narrative in different forms and some modern authors refer to it even today³. We mention here a version by the jurist Ibn-Qayyim Al-Jawziyyah:

It is said with regard to the reason of female circumcision that when Sarah offered Hagar to Abraham, he had sexual intercourse with her and she became pregnant. Sarah grew envious and swore to cut three of her members. Fearing that she cut her nose and two ears, Abraham ordered Sarah to pierce the ears of Hagar and to circumcise her. Since this time, this practice became a law (*sunnah*) between women. One cannot deny this fact any more than one cannot deny that the march between two mountains [in the

¹ Al-Jamal: Nihayat al-bayan, p. 42-43; note also the discussion of this text as regards circumcision by S. Gosline at http://members.spreed.com/education/shangri_la_p/barnabas.htm

² Al-Jahidh, vol. 7, p. 27.

³ For more details see Aldeeb Abu-Sahlieh: Khitan, vol. I, p. 304-306.

pilgrimage in the Mecca] has its origin in the march of Hagar between these two mountains while she looked for help for her son, and that the throwing of stones against the Demon has its origin in Ishmael throwing stones when he went with Abraham. So God instituted this law for his believers in memory of the law of his friend Abraham and in order to honour his faith¹.

This narrative belonged most probably to traditions of the Arab Jews in the time of Muhammad, even though Jewish sources now at our disposal don't mention it². Indeed, Al-Tabari reports this narrative by referring to Jewish reporters³. But whatever the origin of this legend, Muslim jurists themselves invoke it to justify female circumcision, by connecting it with Hagar as they connected male circumcision with Abraham. Some modern authors also lean on this legend⁴. Another commentator mentions it but rejects it as a Jewish element⁵.

Notice also that opponents to female circumcision lean on the fact that neither the *Old* nor *New Testament* speak of this practice and indicate that Jews and Christians rejected it⁶. A proponent to female circumcision answers:

Suppose that no text of the Bible mentions female circumcision and that Jews don't practice it, can one invoke this as an argument on which Muslims must rely? Even if the Bible is the true Bible revealed to Moses? Whoever advances such an argument must know that it is not worth anything and that we are held by the norms of the true Bible and the true Gospel only in the measure they are confirmed by the Koran or the *sunnah*. And suppose that the Bible and the Gospel don't speak about female circumcision, this doesn't prevent Muslims from practicing it since there is a text in our law that considers this practice as obligatory or advisable. And even if our texts keep silence on this subject, then female circumcision becomes a licit thing⁷.

Section 4.

Circumcision in the *sunnah* of Muhammad's successors

1) *Sunnah* of the successors as law source

Abu-Bakr Jabir Al-Jaza'iri, preacher of the mosque of the Prophet Muhammad in Medina, reproached the Libyan judge Mustafa Kamal Al-Mahdawi for his rejection of circumcision, whereas all successors and associates of Muhammad have practiced it⁸. Thus making, Al-Jaza'iri consider the practice of successors and companions of Muhammad as a source of Muslim law. Abu-Zahrah explains the importance of this source in these terms:

Muhammad's companions saw the Prophet and received his message and the *shari'ah*. For this fact, jurists decided that their sayings hold place of proof after the texts, invoking verse 9:100 that says: "As for the early vanguards who immigrated, and the supporters who gave them refuge, and those who followed them in righteousness, God is pleased with them, and they are pleased with Him". So God praised those who followed

¹ Ibn-Qayyim al-Jawziyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex I.

² Elements of the narration of Al-Tabari can be found in The Midrash Rabbah, vol. 1, p. 384 and Bialik; Ravnitzky, p. 39.

³ Al-Tabari: Tarikh, vol. 1, p. 130.

⁴ Al-Jamal: Nihayat al-bayan, p. 15; Al-Sayyid: Hukm khitan al-nisa, p. 60.

⁵ Ramadan, p. 41.

⁶ Rizq, p. 36.

⁷ Al-Sukkari, p. 97.

⁸ Al-Jaza'iri: Ya ulama al-islam iftuna, p. 28.

Muhammad. It is therefore laudable to follow their way. On the other hand, Muhammad says: "I am a confidence for my friends, and my friends are a confidence for my nation". This implies that the nation must refer to what they said.

Abu-Zahrah adds three reasons for which it is necessary to follow the successors and companions of Muhammad:

- They were nearest God's Messenger and are therefore most capable to know objectives of the law.
- Their opinion could be a *sunnah* taken from Muhammad.
- Their opinion is generally based on analogy. We also reason by analogy with results opposed to those of their reasoning. For more precaution it is then better to follow them. The Prophet says: "The best century is the one in which I have been sent"¹.

A book in favour of female circumcision says:

Our age has people who speak our language and live among us. They mock the *sunnah* of female circumcision pretending that it is damaging for woman and makes her lose sexual appetite, and that it is contrary to development of modern civilization. But the true believer knows very well that all good comes from following those who preceded us, and all evil comes from innovations. For this fact, we follow without reserve the good precedents [...] who knew female circumcision and practiced it according to Prophet's way².

The question then is whether successors and companions of Muhammad effectively practiced circumcision unanimously as proposed by its proponents.

2) The successors and male circumcision

To know if successors and associates of Muhammad practiced the male circumcision, it is necessary to see if this practice was known among Arabs in the time of Muhammad.

We mentioned before Al-Jahidh who says: "Circumcision is practiced among Arabs by men and women on behalf of Abraham and Hagar until this day"³. Modern Muslim authors seem also to say that circumcision was a pre-Islamic custom practiced by Arabs who considered the term *aghlaḥ* (prepuce) as an insult⁴. One mentions in this respect a poem by Imru Al-Qays (d. ca 540) who mocks a Roman emperor because of his uncircumcision. One also refers to a narrative reported by Al-Bukhari⁵ which says:

Ibn Al-Natur narrates that once while Heraclius (d. 610) was visiting Ilya (Jerusalem), he got up in the morning with a sad mood. Some of his priests asked him why he was in that mood. Heraclius was a foreteller and an astrologer. He replied: "At night when I looked at the stars, I saw that the leader of those who practice circumcision had appeared. Who are they who practice circumcision?" The people replied: "Except the Jews nobody practices circumcision, so you should not be afraid of them. Just issue orders to kill every Jew present in the country". While they were discussing it, a messenger sent by the king of Ghassan to convey the news of Allah's Apostle to Heraclius was brought in. Having heard the news, Heraclius ordered the people to go and see whether the messenger of Ghassan was circumcised. The people, after seeing him, told Heraclius that he was circumcised. Heraclius then asked him about the Arabs. The messenger replied:

¹ Abu-Zahrah, p. 212-213.

² Al-Sayyid: Hukm khitan al-nisa, p. 13-14.

³ Al-Jahidh, vol. 7, p. 27.

⁴ Ali: Al-mufassal fi tarikh al-arab, vol. 6, p. 343-344.

⁵ Al-Marsafi, p. 18.

"Arabs also practice circumcision". After hearing that, Heraclius remarked that sovereignty of the Arabs had appeared¹.

One cannot claim that all Arabs were circumcised. Indeed, Arabs in the time of Muhammad belonged to three main religious communities: polytheist, Jewish and Christian. No text written before the Koran indicates that all three communities circumcised their children. However, Jews were certainly circumcised. As for Christians, it is unlikely that they were, unless they came from a Jewish tradition. The Muslim poet Jarir (d. 733) disparaged the Christian poet Al-Akhtal (d. 710) because he was uncircumcised. After having analysed different classic sources relative to Christians in Arabia, Father Shikhu, a Lebanese Jesuit scholar, concludes that Christianity abolished circumcision in numerous tribes of the Peninsula before Islam².

With regard to polytheistic Arabs, it is not proven at all that they circumcised. The Bible describes Arabs as being an uncircumcised people³. One cannot refer here to Hercules' story, which is a matter for hagiography. It strangely recalls the story reported by the Gospel of Matthew, chapter 2, concerning the vision of a star by the three mages announcing the birth of the Messiah and the order of Herod to slaughter the children in Bethlehem. The same doubt subsists concerning the verse of Imru Al-Qays' poetry. Indeed poetry reported by narrators from the pre-Islamic period is seldom reliable⁴.

We have already noted that Muhammad's circumcision is controversial. If Arabs circumcised in his time, there would not have been such a controversy. In addition, indications cast doubt on the obligatory nature and general character of circumcision in the days of Muhammad. We mention here the most important points:

- Ibn-Hanbal reports in his compilation that Uthman Ibn Abu-al-As (d. 671) was invited to a circumcision. As he did not come, someone blamed him. He answered: "In the days of the Prophet Muhammad we didn't practice circumcision and we were not invited either"⁵.
- Someone addressed the Imam Hasan, son of Ali, with the following question: "One reports from the truthful that it is necessary to circumcise children in the seventh day and they will be purified, for the earth shouts to God because of urine of the uncircumcised. However, our barbers don't know how to perform circumcision and don't circumcise in the seventh day. We have Jewish barbers here. Can one of them circumcise Muslim children? Imam Hasan answered: "The *sunnah* is the seventh day. Don't contradict the *sunnah*"⁶. The question proves that until that time Jews alone practiced male circumcision and that non-Jewish Arabs didn't have barbers who knew how.
- Ibn-Qayyim Al-Jawziyyah reports a narrative where the Emir of Basra, Iraq, asked old men what their religion was. They answered they were Muslim. He gave the order to inspect them and discovered that they were uncircumcised. They were then circumcised during the winter. Some of them died. Hasan Al-Basri (d. 728) wondered of this emir's behaviour and said: "In the time of Muhammad, Byzantines, Persians and Ethiopians converted to Islam and no one inspected them"⁷. Ibn-

¹ Al-Bukhari, hadith 7.

² See Shikhu, p. 406 and 482.

³ Jr 9:25.

⁴ Husayn: Fi al-shi'r al-jahili, p. 435 in: Majallat Al-Qahirah; Husayn: Fi al-adab al-jahili, p. 201.

⁵ Ibn-Hanbal, hadith 17450.

⁶ Al-Amili: Wasa'il al-shi'ah, vol. 15, p. 160.

⁷ Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

Qudamah also reports that "Hasan Al-Basri did not care about the circumcision of those who converted to Islam and said that blacks and whites converted to Islam in the time of Muhammad and no one inspected them and they were not circumcised"¹.

- Al-Nawawi reports of Ibn-al-Mundhir (d. 931) that there is neither interdiction concerning circumcision, nor precise time, nor *sunnah* to be followed, and that it remains in the domain of the permitted².
- Al-Tabari says that the Caliph Umar Ibn Abd-al-Aziz (d. 720) wrote to the general of his army Al-Jarrah Ibn Abd-Allah (d. 730) after having conquered the region of Kharassan: "Those who pray before you toward the Mecca, dispense them of the payment of the tribute". People then hurried to convert to Islam. One indicated then to the general that people converted not by conviction but to avoid paying the tribute and that he needed to submit them to the test of circumcision. The general consulted the Caliph, who answered him: "God sent Muhammad to call people to Islam, not to circumcise them"³.

We can deduct from these facts that only Jews practiced male circumcision as an obligation and that it was not obligatory among Muslims of the first centuries.

3) The successors and female circumcision

We mentioned before Al-Jahidh who says: "Circumcision is practiced among Arabs by men and women on behalf of Abraham and Hagar until this day". He adds that the difference between Arabs and Indians is that the latter don't practice female circumcision "because they valued pleasure of sexual intercourse a great deal"⁴.

Modern Muslim authors cite three narratives to demonstrate that female circumcision was practiced in the time of Muhammad⁵. But even if we don't contest that it was practiced, this doesn't lead to a conclusion that it was an obligation or even a general custom. A possible proof of female circumcision is the Arabic expression "*son of a woman who cuts the clitoris*", used as an insult⁶. It means that female circumcision was originally seen in a negative way. Let's indicate also that Muhammad had four girls; biographers of Muhammad make no mention that he circumcised them.

Ibn-al-Haj says in this respect that there was divergence on the question to know if it is necessary to practice female circumcision in a general manner or if one should distinguish between oriental women, who, according to Ibn-al-Haj, have an excrescence, and those of the Maghreb who don't. Therefore, some jurists say that only oriental women should be submitted to female circumcision⁷. This means that this practice was limited to certain regions as is also the case today.

It seems also that female circumcision is reserved to a limited class. So certain narratives speak of female circumcision in general, others speak only of circumcision of slaves. Al-Baji reports that Malik said: "Whoever buys a slave should circumcise her if he wants to enclose her. But if he intends to sell her, he does not need to circumcise her"⁸.

One can conclude therefore that no *sunnah* existed among the successors and companions of Muhammad imposing either male or female circumcision. These practices were left to

¹ Ibn-Qudama, vol. 1, p. 70.

² Al-Nawawi: Al-majmu, vol. 1, p. 309.

³ Al-Tabari: Tarikh, vol. 3, p. 592.

⁴ Al-Jahidh, vol. 7, p. 27.

⁵ Al-Albani: Silsilat al-ahadith al-sahihah, vol. 2, p. 357; Al-Jamal: Nihayat al-bayan, p. 48.

⁶ Such insult can be found in Ibn-Hanbal, hadith 15647.

⁷ Ibn-al-Haj, vol. 2, p. 296.

⁸ Al-Baji, vol. 7, p. 232.

the free choice of people. But some jurists were more demanding and imposed these practices for ulterior reasons, as we will see in the following section.

Section 5.

Position of the classic Muslim jurists

1) Importance of the classic jurists

After expansion of the Muslim community, it was necessary to formulate norms to govern on basis of the sources we exposed before. So were born of law treaties adapted to new situations especially resorting to analogy, this one becoming a new source of law named *qiyas*. When jurists agreed on a solution, their unanimity also became a source of law named *ijma*. Abu-Zahrah tries to justify this new situation citing Caliph Umar who gathered the companions for consultation. Their unanimous decision served then as a basis for his politics. He also invoked two narratives of Muhammad: "What Muslims consider good is good"; "My nation cannot meet in error". He recalls also the Koranic verse 4:115 which says:

As for him who opposes the messenger, after the guidance has been pointed out to him, and follows other than the believers' way, we will direct him in the direction he has chosen, and commit him to Hell; what a miserable destiny¹.

The question is whether one can speak of a Muslim jurists' unanimity concerning male and female circumcision. But before answering this question, it is necessary to note that Muslims belong to different schools or legal rituals. There are Sunnites, who form the majority of Muslims. They are divided in four main schools called by the name of their founding jurist: hanafites, shafi'ites, malikites and hanbalites. In addition to Sunnites, there are Shi'ites, divided also into different schools; the most important being the ja'farite school which is the official school of Iran. There are also small schools that either disappeared or have few adepts; most notable is the ibadite school which is the official school of Oman and has some adepts in Algeria, Tunisia and Tanzania.

2) Classic jurists and circumcision

If one examines the enormous law books written by classic Muslim jurists one can only wonder how little space they give to male or female circumcision. Often the subject is dealt with indirectly, with other norms such as toothpick use, birth sacrifices, or compensation paid by those who do not correctly perform their job. The correct use of a toothpick occupies jurists more than circumcision. For example, Al-Ghazali (d. 1111) dedicates only five lines to circumcision in his enormous encyclopaedia entitled *Ihya ulum al-din*². The collective compilation *Al-fatawa al-hindiyyah* (written between 1664 and 1672), only has seventeen lines for the subject³. The only jurist who treats this topic extensively is Ibn-Qayyim Al-Jawziyyah, who dedicates a long chapter of divergent jurist opinions that preceded him⁴.

If one consults exegeses of the Koran, such as Al-Tabari⁵ and Al-Qurtubi⁶, or commentaries of *sunnah* compilations such as Ibn-Hajar¹ or Al-Shawkani², one finds a similar pic-

¹ Abu-Zahrah, p. 198-199 and 203.

² Al-Ghazali: *Ihya ulum al-din*, vol. 1, p. 142.

³ *Al-fatawa al-hindiyyah*, vol. 5, p. 357.

⁴ This chapter is produced in Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex 1.

⁵ Al-Tabari: *Tafsir al-Qur'an*.

⁶ Al-Qurtubi: *Al-jami*.

ture. These compilations give us divergent opinions about circumcision, leaving the reader the embarrassment of choice.

We already saw how Muslim jurists diverged in their understanding of verses and narratives of circumcision. So there is nothing astonishing that jurists and commentators of the Koran and *sunnah* fail to give us a lucid picture of circumcision. If the basis is questionable, it is to be expected that construction raised on it is shaky and ill founded.

Modern jurists try to classify classic jurists' positions relative to male and female circumcision according to their schools³. But such a classification proves erroneous because jurists of the same school diverge between them, in the past as in the present. In our time, there are those who reject both practices and ask to abolish them.

3) Examples of classic jurists' positions

We give here some examples⁴ of classic jurists' positions according to a chronological order indicating in brackets their respective schools.

- Ibn-Jallab (malikite, d. 988) mentions Malik Muhammad's narrative of the ten laws of nature which include circumcision. He believes circumcision is *sunnah* for both men and women⁵.
- Al-Tusi (shiite, d. 1067) says that one can in no way leave a man uncircumcised even if he is very old. As for woman, circumcision is an act that procures a lot of merit, but one can also leave her uncircumcised⁶.
- Al-Nazawi (ibadite, d. 1162) says that male circumcision is obligatory for all Muslims. If a Muslim refuses to be circumcised, he can be put to death. With regard to female circumcision, he holds that it is not obligatory, but one can order women to be circumcised to honour their husbands⁷.
- Ibn-Qudamah (hanbalite, d. 1223) says circumcision is an obligation for men and a meritorious act for women, but not at all obligatory⁸.
- Al-Nawawi (shafi'ite, d. 1277) says circumcision is an obligation for men and women⁹.
- Ibn-Mawdud Al-Musili (hanafite, d. 1284) says circumcision is a *sunnah* for men and a meritorious act for women. But he adds that "if a region stops, of common agreement, to practice male and female circumcision, the chief of the state declares war against that region because circumcision is a part of the rituals of Islam and its specificities"¹⁰.
- Ibn-Juzay (malikite, d. 1327) says circumcision is a confirmed *sunnah* for men, but not obligatory¹¹.
- Al-Mardawi (hanbalite, d. 1480) says circumcision is an obligation for men, but not obligatory for women¹².

¹ Ibn-Hajar.

² Al-Shawkani: Nayl al-watar min ahadith sayyid al-akhyar.

³ See Al-Marsafi; Al-Sukkari.

⁴ For other positions see Aldeeb Abu-Sahlieh: Khitan, vol. I, p. 272-276.

⁵ Ibn-Jallab: Al-tafri, vol. 2, p. 347.

⁶ Al-Tusi: Al-nihayah, p. 502.

⁷ Al-Nazawi, vol. 2, p. 42.

⁸ Ibn-Qudamah, vol. 1, p. 70-71.

⁹ Al-Nawawi: Al-majmu, vol. 1, p. 300-301.

¹⁰ Al-Musili: Al-ikhtiyar, vol. 4, p. 167.

¹¹ Ibn-Juzay, p. 214.

¹² Al-Mardawi, vol. 1, p. 123-124.

- Al-Amili (Shiite, d. 1559) says circumcision is obligatory for men and advisable for women¹.
- Al-Bahuti (hanbalite, d. 1641) says circumcision is obligatory for men and women².

From what precedes we notice that jurists generally insist more on male circumcision than on female circumcision, though some treat the two sexes equally.

4) Present religious debate on circumcision

Today male circumcision is generally practiced in Muslim countries and religious authorities rarely debate it. We mentioned before the rarity of persons who criticized male circumcision³.

For female circumcision, we have pointed out certain Muslim countries where religious authorities have diametrically opposite positions but practice it all the same. Some defend it passionately invoking classical sources, whereas others try to abolish it, contesting its religious legitimacy. Both groups issued several *fatwas*⁴.

In the majority of Muslim countries, female circumcision is completely unknown. Intellectuals and the public are unaware of what it consists, wonder that some Muslim countries practice it and are upset when they learn that religious authorities in those countries continue to defend it. Often they believe that talk of it is a form of negative propaganda aimed at defaming Muslims and Islam in general. But if we note the religious authorities, we notice that they are aware of the classic debate on this question and, therefore, balk to speak about it or hesitate to overtly condemn it. Sometimes *fatwas* are issued in these countries considering it a meritorious act. In our Arabic edition, we published some *fatwas* of this nature from Saudi Arabia and Kuwait⁵. A Syrian religious scholar repeats the divergent position of classic jurists without carrying value judgment or condemnation⁶. The same is found in an encyclopaedia of Shiite law published in Lebanon and in a Shiite book published in Iran relative to child education⁷.

Physical and psychological advantages or disadvantages are new elements appearing in the debate of both male and female circumcision, not found in classic sources. Opponents affirm that these practices are damaging, and therefore, it is necessary to forbid them on the basis of Islamic principles, which prohibit causing prejudice to others. In opposition, proponents hold that these practices have advantages, making them obligatory, or at least advisable. We will come back on these points in the medical and social debate.

Section 6. Secondary arguments

In addition to the Koran, the *sunnah* of Muhammad, previous prophets' law, the *sunnah* of Muhammad's successors and positions of classical jurists, both classic and modern writings claim that circumcision is necessary for purification, that it is a distinctive mark of Muslims and constitutes a custom having the strength of law according to Islamic law.

¹ Al-Amili: *Al-rawdah al-bahiyyah*, vol. 5, p. 447.

² Al-Bahuti: *Kashf al-qina*, vol. 1, p. 80.

³ See part 2, chapter 3, section 1.4.C and section 2.3 and 4.

⁴ Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annexes 3 à 13, 20, 21 and 24.

⁵ *Ibid.*, annexes 14, 15 and 16.

⁶ Al-Zuhayli: *Al-fiqh al-islami*, vol. 1, p. 306-310 and vol. 3, p. 642.

⁷ Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annexes 18 and 19.

1) Circumcision is necessary for purification

Treaties on Islamic law often start with a chapter on purification, necessary condition for validity of prayer. As noted already, narratives assigned to Muhammad place circumcision among regular practices involved in purification, such as clipping moustache and nails, cleaning teeth, inhaling water with nose, rinsing mouth, washing joints of fingers, depilating armpits, shaving pubis and cleaning faeces.

On the other hand, Muslims borrowed the conception of pure and impure foods from Jews that Christians abolished along with circumcision. Most notable is the case of pork meat. The Koran says:

I do not find in the revelations given to me any food that is prohibited for any eater except: carrion, running blood, the meat of pigs, for it is contaminated, and the meat of animals blasphemously dedicated to other than God (6:145)¹.

In the same way, they took from Jews the norms relative to female impurity during the period of menses, which invalidates her prayer and fasting, prohibits her from entering the mosque, touching the Koran (56:79), or having normal sexual intercourse (2:222).

Muslim adoption of these norms facilitated the acceptance of male and female circumcision although the Koran doesn't mention it.

Ibn-Qayyim Al-Jawziyyah justifies male and female circumcision for the devil hides himself in the foreskin of the uncircumcised man and in the vagina of the uncircumcised woman, as well as in the hairs of the pubis and under the nails². Ibn-Juzay says that the foreskin is impure; it is therefore prohibited to carry it in the mosque or to bury it there "as do some people in ignorance"³. Shiite narratives consider urine of the uncircumcised as impure. We will see farther that uncircumcision has consequences on prayer, pilgrimage, testimony, marriage, slaughtering of animals and burial in a Muslim cemetery.

Again today the popular language designates male and female circumcision by the term *taharah* or *tathir*, purity, purification. *To circumcise* is said to purify. Al-Abbudi, a contemporary author, says that in the United Arab Emirates it is prohibited to leave a male child uncircumcised after the six years old, notably for religious reasons, because he is considered as impure. If uncircumcised, he cannot enter in the mosque and his prayers are invalid. He is often disparaged by men and women as well as by his buddies who call him *banyan*, a pejorative label given to Buddhists⁴.

2) Circumcision as a distinctive emblem of Muslims

Both classic and modern Muslim authors consider male circumcision, or even female circumcision, as the distinctive emblem of Muslims. This idea is bound to the concept of believers' superiority over infidels. The Koran says:

You are the best community ever raised among the people: you advocate righteousness and forbid evil, and you believe in God (3:110).

This idea is also bound to the interdiction made to Muslims to not look like the non-Muslims. One narrative of Muhammad states: "The one who looks like a group becomes part of it"⁵. One also mentions the two following Koranic verses:

¹ See also Koran 2:173; 5:3; 16:115. Compare this verse and Acts 15:20.

² Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

³ Ibn-Juzay, p. 214.

⁴ Al-Abbudi, p. 68.

⁵ Ibn-Hanbal, hadith 5114.

This is My path, a straight one. You shall follow it, and do not follow any other paths, lest they divert you from His path (6:153).

Do not be like those who forgot God, so He made them forget themselves. These are the wicked (59:19).

Some jurists even foresee death penalty against those who look like unbelievers and refuse to retract¹. This interdiction applies directly to circumcision. A modern author, mentioning Ibn-Qayyim Al-Jawziyyah, writes:

Uncircumcision is the emblem (*shi'ar*) of the worshippers of the cross [Christian] and of the fire [Zoroastrians], whereas circumcision is the emblem of the *hunafa* (monotheists). For this fact, the first circumcised was Abraham, the guide of the *hunafa* and this practice passed to his descendants [...]. It is not permitted therefore to look like the uncircumcised worshippers of the cross in their emblem, which is uncircumcision, and belief in the Trinity².

Another modern author writes:

In becoming attached to laws of nature [which include male and female circumcision], Muslims appear under an external and internal unified form. In this way the solidarity between them is expressed through uniformity [...]. In becoming attached to these laws one differs from emblems of unbelief and its adepts as Mages, Jews, Christians and other unbelieving groups. For this fact, Muhammad warned not to look like Mages, Jews, people of the books and polytheists³.

Male and female circumcision, as a distinct emblem of believers, is supported by a testimony of an Egyptian woman. She was told before circumcising her with her sister: the girl's religion becomes only complete by circumcision (*taharah*: purification). If circumcision doesn't take place, the religion remains imperfect and one becomes as the Christians"⁴.

One Muslim author says that when in war a person loses his or her card which identifies religion, Muslim men and women will be recognized by circumcision. They will then be buried in a Muslim cemetery⁵.

Without contesting the fact that male circumcision is an emblem of Muslims, opponents to female circumcision say that it is not⁶.

Certainly, Muslim authors are conscious that male and female circumcision is practiced by Jews and Christians and therefore is an ineffective emblem to distinguish a Muslim from a Jew or Christian. Despite that, they continue to repeat this irrational argument in favour of this practice⁷. A Moroccan author says about male circumcision:

Although the Koran doesn't mention it at all, circumcision is defined as a sign of adherence to the Muslim community. The uncircumcised is not considered as belonging to Islam⁸.

¹ See Al-Luwayhiq, p. 126-127.

² Al-Jamal: Nihayat al-bayan, p. 19.

³ Ibn-Asakir, preface, p. 7-8.

⁴ Jaridat al-sha'b, 18.11.1994, quoted by Ramadan, p. 82-83.

⁵ Mahmud: Hukm al-islam, p. 14.

⁶ Al-Najjar, p.6; Ramadan, p. 28-29.

⁷ See Ibn-Hajar, vol. 10, p. 341-342; Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

⁸ Serhane, p. 140.

3) Custom

Custom is an important source of Islamic law. Abu-Zahrah cites the narrative of Muhammad: "What Muslims consider as good is good". He adds that to go against customs which are recognized by the society would create only a hindrance. The Koran says: "God has placed no hardship on you in practicing your religion" (22:78). Custom serves to fill the *lacunae* of the Koran and the *sunnah* and it is only valid if it is not contrary to these last two sources. So even though people are accustomed to drink wine, such a custom is not valid because it is contrary to a Koranic prohibition¹. In defence of male and female circumcision, Al-Sukkari writes:

Male and female circumcision was and didn't stop being a custom followed by people since the faraway times. It became therefore a use accepted in their life. The proof is that our mothers and grandmothers as well as their grandmothers were circumcised for generations without ever undergoing the supposed damages assigned to this practice. Muslim law established a number of norms on the basis of the customs, which have to fulfil three conditions [...]: not to contradict a text of Islamic law, to be old and to be practiced in a general manner².

After having proven that no religious basis for female circumcision exists, Sheikh Shaltut says that if it is not proven that it is damaging. Therefore, "it would be necessary to let people to what they are accustomed to do under the aegis of Islamic law and knowledge of the scholars of Islamic law since the time of prophecy until this day, i.e., that female circumcision is a meritorious act, not an obligation or a *sunnah*"³.

Al-Awwa, an opponent to female circumcision, rejects the recourse to custom in this domain and considers it a very dangerous and erroneous method, because customs are not all compliant to Islamic law. He holds that custom doesn't approve this repugnant habit, that jurists foresee a sanction for the damage it causes, and that medicine considers it physically and psychologically damaging. He adds that authentic narratives of the *sunnah* don't allow it. One who professes a contrary opinion is guilty and assumes the responsibility of his opinion⁴.

Uways, vice-president of the Egyptian Cassation Court, says that female circumcision doesn't fulfil the conditions for custom: it is not practiced by all Egyptian people and it is not obligatory for its omission does not constitute a sin⁵.

Opponents add that female circumcision is a custom inherited from pre-Islamic times, notably Pharaonic Egypt, and it doesn't have any religious roots. In this manner they try to dissuade fellow citizens of this practice and to reject attacks of non-Muslims against their religious beliefs. They indicate that many Muslim countries, including Saudi Arabia, don't know this custom, which is practiced in certain countries by Muslims as well as by non-Muslims⁶.

Proponents of female circumcision answer that inexistence of this practice in certain countries doesn't mean that Muslims are not held to it. Since a norm is prescribed in Islamic law, it is obligatory for Muslims to respect it independent of the fact that some countries don't. They indicate that Islamic norms, which impose the veil or forbid the use of gold

¹ Abu-Zahrah, p. 273.

² Al-Sukkari, p. 99-100.

³ Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 7.

⁴ Al-Awwa: Mafahim khati'ah, p. 211-212.

⁵ Uways, p. 12-13.

⁶ Al-mumarasat al-taqlidiyyah, p. 23; Al-Saadawi: Al-mar'ah wal-sira al-nafsi, p. 71-72; Ramadan, p. 25; Al-Najjar, p. 10; Rizq, p. 38.

rings by men are not respected in certain Muslim countries, nevertheless these norms remain valid and cannot be considered obsolete¹. They finally add that the practice of female circumcision in the time of the Pharaohs or before Islam doesn't change anything to its obligatory character after Muhammad since it has been admitted in Islamic law. Other norms existed before Muhammad and they have been integrated into Islamic law².

Section 7. Consequences of circumcision

1) Obligatory character of Muslim norms

We saw in the beginning of this chapter that Islamic law constitutes the main source of law in Egypt and many other Muslim countries. But only the norms of this law, which have been integrated in the State's legal system, are applicable. Those that are not integrated cannot be applied. Such is the case of stoning for adultery or amputating a thief's hand, two norms applied in Saudi Arabia, but not in Egypt.

The difference that exists between the State's law and Islamic law is one of the reasons for conflict between the regimes of more secular Islamic countries and fundamentalist Muslims who want the integration and the application of Islamic law as extensively as possible. Some judges even reject the State's law and apply only the Islamic law³. Sheik Al-Sha'rawi (d. 1998) believed that it would be necessary to put to death those who refuse to follow Islamic law. He writes:

If I were the person responsible of this country or the person charged to apply God's law, I would give a delay of one year to anyone who rejects Islam, granting him the right to say that he is no longer a Muslim. Then I would dispense him of the application of Islamic law, condemning him to death as apostate⁴.

Private persons sometimes carry out such a threat. So the Egyptian secular thinker Faraj Fodah was murdered June 8, 1992 by an Islamist for his opposition to the enforcement of Islamic law. Before, Al-Azhar had carried complaint against him, and the government had placed him during some days in supervised residence. The association of Muslim Brothers condemned this murder, while rejecting the responsibility on the government and media for having left "the field free to writers who dedicated themselves to attack Islam". The murderer of Faraj Fodah indicated at the time of investigation that Sheik Umar Abd-al-Rahman, representative of the Islamist movement *Al-Jihad*, exiled in the United States, had declared licit "to draw the blood of all those who oppose Islam". June 22, 1993, the murderer's defence called upon two religious authorities to testify before the Supreme Court of State security, i.e., the famous Sheik Muhammad Al-Ghazali⁵ and Professor Ahmad Mazru'ah of the University of Al-Azhar⁶. Both justified the murder. But the court didn't follow them and condemned the murderer to death; he was hung February 26, 1994⁷.

Even when violation of religious norm doesn't lead to the death penalty, it has consequences on several levels. This is the case of the violation of a norm prescribing male and female

¹ Al-Sukkari, p. 98; Taha: Khitan al-inath, p. 17; Al-Sayyid: Hukm khitan al-nisa, p. 64-65.

² Rashid, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 13.

³ See Aldeeb Abu-Sahlieh: Le juge égyptien Ghurab assis entre deux chaises.

⁴ Al-Sha'rawi, p. 28-29.

⁵ Al-Hayat, 23.6.1993.

⁶ Al-Sharq al-awsat, 4.7.1993.

⁷ Le Monde, 1.3.1994.

circumcision. But as opinions diverge on its obligatory character, consequences of its violation also vary.

2) Circumcision between advisable and permitted

For some, circumcision is either an advisable practice or a permitted practice. If qualified advisable, it is preferable and meritorious to perform it. If not performed, there is no sin and no punishment. If qualified as permitted, the person is free to circumcise or not to circumcise, without any consequence.

This position is generally adopted by both classic and modern Muslim authors concerning female circumcision, but rarely for male circumcision, generally considered obligatory.

It is necessary to notice here that those who qualify circumcision as advisable or permitted don't give any choice to the one who will be circumcised, but only to his guardian: his father if he/she is a minor, and her husband if she is married. If therefore the father or the husband decide to circumcise, the circumcision becomes obligatory for the victim. Al-Nazawi (ibadite, d. 1162) says that female circumcision is not obligatory, but one can order women to be circumcised to honour their husbands¹.

Zakariyya Al-Birri writes: "The uncircumcised woman doesn't commit any religious offense if the decision has been taken by a Muslim in all conscience in light of the religious texts and after the advice of a specialist physician of confidence"².

Sheik Murad Al-Manna writes: "The one who abandons female circumcision doesn't commit a sin, and the one who chooses to circumcise doesn't commit a sin but applies the *sunnah*"³.

Muhammad Ibrahim Salim writes: "Female circumcision is neither an obligation nor *sunnah*, but an advisable practice. The one who does it, acts well, and the one who abandons it is not sanctioned"⁴.

Al-Tantawi, Sheik of Al-Azhar, writes: "Jurists are unanimous that male and female circumcision are licit, but they diverged on their obligatory character. The two imams Abu-Hanifah and Malik hold that it is a *sunnah*, not obligatory, but the one who abandons it commits a sin"⁵.

3) Death penalty for uncircumcision

Those who consider circumcision as obligatory, hold that it can be imposed by force. If a person refuses to be circumcised, he is liable of the death penalty. This sanction is applicable for men and, according to some, for women.

Al-Nazawi, mentioned before, says that male circumcision is obligatory. The one who refuses and persists in his refusal to submit to circumcision will be put to death⁶.

Al-Ansari says that circumcision is obligatory and the imam can order it. The one who refuses will be forced⁷.

Ibn-Mawdud Al-Musili (d. 1284), mentioning Al-Tahhawi (d. 933), says that circumcision is a *sunnah* for men and a meritorious act for women. But he adds that "if a region stops, of common agreement, to practice male and female circumcision, the chief of the state de-

¹ Al-Nazawi, vol. 2, p. 42.

² Al-Birri, p. 96. See also Ramadan, p. 26.

³ Al-Manna, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 16.

⁴ Salim, Ra'iy, p. 81.

⁵ Al-Tantawi, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 9.

⁶ Al-Nazawi, vol. 2, p. 42. This opinion is repeated by Al-Ristaqi, vol. 1, p. 435-436.

⁷ Al-Ansari: Nihayat al-muhtaj, vol. 8, p. 36. See also Al-Bahuti: Kashshaf al-qina, vol. 1, p. 80.

clares war against that region because circumcision is a part of the rituals of Islam and its specificities"¹.

This extreme opinion has been expressed nowadays by Jad-al-Haq, the previous Sheik of Al-Azhar, two times in his *fatwa* of 1981 and three times in his *fatwa* of 1994². One will notice in this respect that this opinion considers male circumcision as a *sunnah* and female, as a meritorious act. Despite this moderate qualification, this opinion foresees the war against those who renounce it. Al-Qaradawi sustains this opinion but only with regard to those who refuse male circumcision³. We find the same position by Al-Sabbagh in the book published by the regional office of the WHO in Alexandria against female circumcision⁴.

Notice that the proponents of male circumcision consider those who deny the obligatory character of circumcision as apostates deserving the death penalty. This is what the preacher of the Mosque of the Prophet Muhammad in Medina held against the Libyan judge Mustafa Kamal Al-Mahdawi⁵. The writings of proponents for female circumcision are full of accusations of treason and apostasy against their opponents⁶.

4) Prayer, pilgrimage, slaughtering of animals

As noted already, circumcision is connected with the concept of purity. It has implications on the validity of prayer, pilgrimage to Mecca and slaughtering of animals done by an uncircumcised.

For prayer, the Muslim is held to proceed to the ablution aiming to make him pure and ready for prayer. Muslim jurists state that the presence of the foreskin prevents one from reaching this objective because it keeps dirt and droplets of urine inside. Since prayer is an obligation for Muslims, and purity is a pre-condition, circumcision itself becomes obligatory. This is an application of the legal rule that says: "Whatever leads to a duty is a duty". Or if one prefers: "The one who wants the end wants the means".

The retention of urine and dirt by the foreskin makes male circumcision obligatory. But as the woman's foreskin doesn't keep urine or dirt, according to classic jurists, female circumcision is not obligatory. This opinion of Ibn-Qudamah⁷ and Ibn-Qayyim Al-Jawziyyah⁸ is repeated by modern authors⁹. Nowadays, Nur Al-Sayyid Rashad uses the same argument to make female circumcision obligatory as female sexual organs also retain urine and dirt¹⁰. Dr. Ramadan challenges this argument pointing out that secretions of female genitalia are natural, not at all impure and easy to clean¹¹, but this doctor maintains that male circumcision is obligatory to obtain purity¹².

The difficulty of cleaning male or female genitalia has been exaggerated. Also, some classic authors had already answered this argument by saying that the Muslim is held a purity that is possible to reach, and not responsible for what lies beyond his capacities¹³.

¹ Al-Musili: Al-ikhtiyar, vol. 4, p. 167.

² Jad-al-Haq, in Aldeeb Abu-Sahlieh: Khitan, annexes 5 and 6. See also Isma'il: Ta'qib mashfu bi-itab, p. 216.

³ Al-Qaradawi, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 11.

⁴ Al-Sabbagh: Al-hukm al-shar'i, p. 6.

⁵ See part 2, chapter 3, section 1.4.C.

⁶ See part 4, chapter 9.2.

⁷ Ibn-Qudamah, vol. 1, p. 70.

⁸ Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

⁹ Ibn-Asakir, preface, p. 11; Al-Sukkari, p. 63.

¹⁰ Rashad, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 13.

¹¹ Ramadan, p. 70.

¹² Ibid., p. 55-56.

¹³ See Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1; Ibn-Hajar, vol. 10, p. 341.

As a result, Islamic jurists hold that prayer of the uncircumcised is invalid. Al-Ristaqi (ibadite of the 17th century) says even that he must redo all prayers he had accomplished while still uncircumcised¹. It is forbidden to pray behind him as guide of prayer unless he remained uncircumcised for a valid reason² of which we will speak farther.

The uncircumcised is also forbidden to make pilgrimage according to the aforementioned narrative assigned to Muhammad³. Ibn-Abbas even states that it is forbidden to eat meat of an animal slaughtered by an uncircumcised Muslim. But some jurists argue that if it is permitted to eat meat of an animal slaughtered by a Christian, *a fortiori* it should be permitted to eat the meat of an uncircumcised Muslim⁴.

Finally, it is necessary to note that jurists challenge the testimony of an uncircumcised if he refuses to submit to circumcision by disdain for religion, because he then stops being *adl*, "just"⁵.

5) Marriage with the uncircumcised

We saw before that Jews considered circumcision as a pre-condition for marriage. One also finds this idea among Muslims.

Al-Ristaqi (ibadite of the 17th century) developed this topic extensively. He says that if a man marries a woman and consummates the marriage before circumcision, his marriage will be dissolved. And if he is circumcised before consummating the marriage, the marriage remains valid, according to one opinion. According to another opinion, the marriage is dissolved and the man must contract it again. The uncircumcised Muslim can neither marry a Muslim nor a Christian nor a Jewish woman, and he will be assimilated to a polytheistic. He cannot be the tutor in marriage. Thus, if he gives his agreement for a woman's marriage under his tutelage, the marriage will be dissolved except if there was consummation. If he is a witness in a marriage, the marriage is considered invalid⁶.

Al-Bahuti indicates that the husband can force his Muslim wife to be circumcised as he can force her to accomplish her prayers⁷.

After having passed in review the opinions of jurists, Al-Sukkari, a modern Egyptian author, gives the following opinion:

As it is proven in an absolute manner that the existence of the foreskin is a repugnant vice because it is the place of the accumulation of dirt, there is no doubt that this vice gives to the woman the choice to dissolve her marriage with an uncircumcised Muslim for the following reasons:

- 1) Although the foreskin doesn't prevent sexual enjoyment between the two spouses, it is proven that it is a vector of disease which can be transmitted to the wife [...].
- 2) Marriage has been instituted in Islam in order to achieve noble objectives, the most important one being the affection and the compassion between spouses as well as the safeguard of chastity. Uncircumcision is repugnant and it repulses woman. It gives place to repulsion and discord between the two spouses instead of affection and concord. Therefore, the family ends up destroying itself and its members search for perversion.

¹ Al-Ristaqi, vol. 1, p. 437-438.

² Al-Shaykh Al-Saduq, p. 327; Al-Qarrafi, vol. 13, p. 279-280; Al-Baji, vol. 7, p. 232; Ibn-Juzay, p. 214; Al-Hattab, vol. 3, p. 258; Al-Qurtubi: Al-jami, vol. 2, p. 99 and 101.

³ Sources quoted in the previous footnote.

⁴ Ibn-Qudamah, vol. 11, p. 138.

⁵ Al-Marghinani, vol. 3, p. 138; Al-Qarrafi, vol. 13, p. 279-280.

⁶ Al-Ristaqi, vol. 1, p. 437-438.

⁷ Al-Bahuti: Kashf al-qina, vol. 1, p. 81; Al-Bahuti: Sharh muntaha al-iradat, vol. 1, p. 40.

- 3) The woman always wishes to see in her husband a model and a hope for her life. She wishes to see in him beauty, good odour and good company [...]. However, dirt, bad odour and prejudices that arise from the foreskin are contrary to all this [...].

One can conclude that the dominant opinion and the one that we choose [...] is to grant to the woman the choice to dissolve the marriage with an uncircumcised man because Islam is the religion of cleanliness and purity and rejects dirt¹.

Ni'mat Abu-al-Su'ud reports that under the Turkish regime in Egypt when an Egyptian married a Turkish woman, he insisted on her circumcision before the marriage. And when a Sudanese married an Egyptian woman, he insisted on her infibulation².

6) Funeral of the uncircumcised

We saw before that Jewish religious authorities don't bury an uncircumcised in the Jewish cemetery. And for that reason, they circumcise a Jew who dies uncircumcised. This idea is also found among Muslims. Al-Tha'labi affirms even that Abraham decided to practice circumcision to be able to distinguish his followers from those of the enemy who died in battle in order to not mix them in funerals³.

Ibn-Hajar writes to this effect that if one finds a circumcised person in a group of killed who are uncircumcised, one presumes that he is a Muslim and he is buried in a Muslim cemetery⁴.

As noted, jurists impose circumcision on converts to Islam. If he refuses to be circumcised, he exposes himself to the death penalty, according to some jurists. In this case, he won't be considered a Muslim and he won't be buried in a Muslim cemetery. If he has been dispensed of circumcision to avoid the danger of death, he will be buried in a Muslim cemetery⁵.

Some jurists ask if it is not necessary to circumcise a Muslim who dies uncircumcised for valid reasons, before burying him. The majority of answers are negative for three reasons:

- Circumcision is a violation to the modesty of the dead.
- Circumcision is without utility after death since the objective of circumcision is the purification in view of prayer and pilgrimage.
- The dead recovers his foreskin after his death, therefore one should leave it with him.

Some jurists argue that it is necessary to distinguish between the child and the adult. Only this last is submitted to circumcision because he was obliged to be circumcised during his life. The foreskin must then be put in the shroud⁶.

Modern authors hold that it is not necessary to circumcise a Muslim who dies uncircumcised⁷.

In practice this seems to be different. Sonnen indicates that the Bedouins near the Lake of Genesareth in Palestine circumcise a child who dies uncircumcised, even though he is only

¹ Al-Sukkari, p. 75-77.

² Abu-al-Su'ud: *Khibrat maydaniyyah*, p. 110-111.

³ Al-Tha'labi: *Qisas al-anbiya*.

⁴ Ibn-Hajar, vol. 10, p. 341-342.

⁵ Al-Shaykh Al-Saduq, p. 327; Al-Nazawi, vol. 2, p. 44.

⁶ Ibn-Qudamah, vol. 2, p. 408-409; Al-Nawawi: *Al-majmu*, vol. 5, p. 182-183 and 304-305; Al-Nawawi: *Fatawa*, p. 37-38; Ibn-Taymiyyah: *Fiqh al-taharah*, p. 69; Ibn-Qayyim Al-Jawziyyah: *Tuhfat al-mawdud*, in Aldeeb Abu-Sahlieh: *Khitan*, annexe 1.

⁷ Al-Sukkari, p. 78-81; Al-Marsafi, p. 52; Al-Jamal: *Nihayat al-bayan*, p. 34; Al-Zuhayli: *Al-fiqh al-islami wa-adillatuh*, vol. 2, p. 468.

one day old. The circumcision is performed by the sheik who proceeds to the funeral¹. Mohammed Kacimi reports a real fact in his novel *Le mouchoir*: a French communist and fighter from Orleanville wished, once dead, to be buried in a Muslim cemetery. After his death, some Muslims threatened to unearh their deceased if one imposed upon them the presence of an uncircumcised. And the solution was reached by cutting the foreskin with scissors. Purified, his corpse has been admitted without incident in a Muslim burial plot².

7) Incrimination of circumcision

Male and female circumcision is an ablation of a healthy organ. Classic jurists incriminate any violation of physical integrity, not justified for a medical reason or the application of a legal sanction (ablation of the thief's hand). However, they close their eyes concerning circumcision, because they think it is ordered or authorized by Islamic law. One speaks then of a legal permission.

One can invoke the legal permission however only if circumcision is made in the limits foreseen by the law itself. So if a barber or a physician cuts the glans instead of the foreskin, or if the operation becomes infected and provokes death of the child for any reason, the circumciser is considered as having passed the limits of legal permission, i.e., the ablation of the foreskin according to medical rules. In this case, the circumciser is responsible for damage he caused to his victim. Islamic law treaties mention such dramatic situations and establish rules to determine responsibility.

If medical limits of male circumcision are generally known, it is not the case for female circumcision. Classic jurists and modern authors often repeat the advice of Muhammad to the female circumciser: "Cut little and don't overdo". They generally regard that circumcision must reach the crest of the rooster above the urinary exit. This explanation is not very precise and allows for a large margin of error because it can mean the glans of the clitoris, the clitoris or the hood (foreskin) of the clitoris. On the other hand, classic and modern writings don't indicate, as for male circumcision, any legal consequences if the circumciser doesn't respect these limits³. Ibn-Hazm (d. 1064) reports the legal consequences for ablation of the pubis skin, the clitoris or the lips⁴. But it is unclear if these offenses are related to the female circumcision. Modern opponents to this practice invoke Ibn-Hazm to sustain their position to abolish it completely⁵. One also resorts to the general norms of Islamic law that forbid all damage to others, notably when it is about Pharaonic circumcision⁶.

Today, opponents to female circumcision want the State to consider ablation of any part of the woman's genitalia as an offense. But proponents refuse such incrimination because it would violate Islamic law. So Al-Sayyid writes:

One tells us that the female circumcision is an offense by law. We are entitled to ask of which law does one speak. We know that the law of heaven recommends female circumcision and considers it a meritorious act and purification for her. It remains therefore the law of earth. However, the believer isn't accountable to any other law than that of God and his Messenger Muhammad. Since when does one invoke the law of earth in the presence of the law of heaven as stated by God's Messenger⁷?

¹ Sonnen, p. 76.

² Kacimi el-Hassani: *Le mouchoir*, p. 60-66.

³ See the two fatwas of Jad-al-Haq, in Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annexes 5 and 6; Al-Sukkari, p. 34, 38, 40 and 102

⁴ Ibn-Hazm, vol. 10, p. 458.

⁵ See Al-Awwa, in Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex 12.

⁶ Da'ud: *Al-khifad al-far'uni*, p. 23-25.

⁷ Al-Sayyid: *Hukm khitan al-nisa*, p. 66.

Section 8.

Muslim circumcision operation

As we did in the Jewish debate, we will determine here who must undergo circumcision, who performs it and what are the prayers that accompany it.

1) Person submitted to circumcision

Originally, male and female circumcision were not obligatory and therefore were not practiced on all Muslims despite the opinion of some rigorous jurists. But with time, male circumcision became a general practice on all males born Muslim and on converts whereas female circumcision only subsists in certain Muslim countries.

A) All males born Muslim

a) Who is Muslim?

Is a candidate to circumcision any child, male or female, who is born Muslim. According to Islamic law, a Muslim is the child of at least one Muslim parent. Parents can't choose their child's religion on his birth or give him the right to choose his own religion when he becomes an adult.

b) Day of circumcision

The Bible fixed circumcision on the eighth day. But as there is no Koranic text or narrative of Muhammad which applies as law for all Muslims, classic and modern Muslim authors and practice diverge on the age in which it is necessary to circumcise.

Some say that circumcision should be performed on the seventh day, invoking narratives according to which Muhammad has been circumcised by his grandfather and that he also circumcised his two grandsons at this age. Such norm is found notably in Shiite writings. But even these writings consider this age as the age of preference. It is therefore possible to delay circumcision, provided that it occurs before adulthood. If the child remains uncircumcised until adulthood, he must be circumcised by force¹. Note here that "adulthood" is an imprecise notion and it is connected to physiological aspects more than to age: growing a beard, pubis hair and ejaculation for the boy; growing pubis hair and breasts for the girl.

Sunnite jurists permit circumcision at the age of seven days, but prefer to avoid this date because it corresponds to the age on which Jews circumcise their children (if one doesn't count the day of birth). These jurists recall that Muhammad guarded against any resemblance with other religious communities, such as the Jews.

Some Sunnite jurists say it is necessary to avoid circumcising before the age of seven days, but it is preferable to circumcise when the child is small because he can deal with the operation better, and the skin is tenderer. Others argue it is not necessary to circumcise him before the age of ten years, because it is the age when one can hit a boy to force him to pray. They say that the suffering of circumcision is greater, therefore it shouldn't be performed before that age. Others invoke the fact that Ishmael was circumcised at 13 years old, thus a suitable age to circumcise his descendants. But all jurists agree that circumcision should be performed before adulthood².

¹ Al-Amili: *Wasa'il al-shi'ah*, vol. 15, p. 165-166; Al-Muhaqqiq Al-Hilli, vol. 2, p. 288; Al-Tusi: *Al-nihayah*, p. 502; Al-Tubrusi: *Makarim al-akhlaq*, p. 220; Al-Khawansari, vol. 4, p. 462-463; Al-Allamah Al-Hilli, p. 186.

² Al-Baji, vol. 7, p. 232; Al-Qurtubi: *Al-jami*, vol. 2, p. 101; Al-Nawawi: *Al-majmu*, vol. 1, p. 301-304 and 309; Ibn-al-Haj, vol. 2, p. 296; Ibn-Hajar, vol. 10, p. 342-343.

The aforesaid debate concerns boys as well girls. Finally, some jurists reject circumcision of a mad because he cannot be considered liable¹. But others believe his guardian must circumcise him².

Modern authors recall the classic debate and conclude that no fixed date for circumcision exists, but it is preferable to do it during youth, and in any case before adulthood³. Al-Sukkari held that a girl should not be circumcised before seven years old, or even ten if she is not in good health so that she can survive the operation⁴.

In practice, male circumcision is done at all ages before adulthood. A family may circumcise several sons together, at different ages, to save ceremony expense. A professor of Aden told me that in certain regions of Yemen circumcision takes place before marriage. The husband must prove to his wife thus that he can stand suffering. In addition, such an operation can calm his passion during the first nights of marriage. A Saudi author denounces the practice of male circumcision after the age of 15 in certain Saudi cities. He says that circumcision should be performed between the 7th and the 21st day after birth⁵.

An Egyptian physician writes that it is preferable to circumcise at the age of seven days according to the shafi'ite school, because, at this age, the operation is less expensive and provokes less complications⁶. But his Syrian colleague recommends performing circumcision between the age of 3 to 4 years old. He is opposed to the operation in the first seven days because of the absence of coagulant substance in the blood and because the foreskin is rarely separated from the glans by that age, increasing the risk of haemorrhage⁷.

In Egypt, female circumcision is performed between the age of 5 and 12 years. The public justifies this delay by the fact that an earlier female circumcision may lead to severe haemorrhage, and that a girl can endure pain and manage to eat enough to compensate for the operational stress. They think also that the clitoris appears only at puberty, and that it is capable of re-growth if the girl is excised at infancy. One woman said that she and her sister were circumcised twice and that her mother was even circumcised three times. Circumcision should however not be delayed to after that age because after this age, friction between clothes and a girl's genitalia may arouse her sexual desires⁸.

c) Delaying circumcision in case of sickness or death danger

Classic jurists recommend delaying circumcision to an age in which the child can survive it, and to avoid making it in a very hot or very cold period. Al-Nawawi explains that one cannot practice a religious ritual if it leads to the person's death⁹. Al-Nazawi completely dispenses circumcising a child if other children in his family died because of circumcision¹⁰. But Sahnun (d. 854) refuses to dispense a person of male circumcision even though he risks death. He reasons by analogy: one cuts the thief's hand even though such a sanction risks death. The same applies for circumcision¹¹.

A modern author refuses delaying or dispensing circumcision because of the danger it implies. He argues that with the progress of medicine these dangers can be avoided and that

¹ Al-Ansari: *Sharh al-manhaj*, vol. 5, p. 174. Al-Ansari: *Nihayat al-muhtaj*, vol. 8, p. 36.

² Al-Qalyubi wa Umayra, vol. 4, p. 211.

³ Al-Marsafi: *Hadith al-khitān*, p. 47; Al-Jamal: *Nihayat al-bayan*, p. 12.

⁴ Al-Sukkari, p. 86 and 95.

⁵ Jamal: *Yas'alunak*, p. 728.

⁶ Al-Bar: *Al-khitān*, p. 80-81.

⁷ Al-Qadiri, p. 97-98.

⁸ Abd-al-Salam: *Female sexuality*, p. 81-82.

⁹ Al-Nawawi: *Al-majmu*, vol. 1, p. 304.

¹⁰ Al-Nazawi, vol. 2, p. 44.

¹¹ Al-Baji, vol. 7, p. 232.

circumcision is necessary to be able to accomplish Muslim rituals and to prevent cancer¹. But others are less strict and argue for delay and dispensation of circumcision and all other religious obligations in case of danger². A Syrian physician says that if a person is sick, it is not necessary to circumcise him before his recovery. He also dispenses circumcising a person who has AIDS³.

As for us, we estimate that circumcision, like all medical operations, is justified only if there is a valid medical reason to do it, and that there are no other means to heal an illness, which is very rare.

B) Converts and enemies

We saw before that Hasan Al-Basri disapproved circumcising old converts to Islam. In the same way, Caliph Umar Ibn Abd-al-Aziz disapproved the advice given to his military general to circumcise converts after the conquest of their country. He answered his general: "God sent Muhammad to call people to Islam, not to circumcise them"⁴.

But classic jurists were often more rigorous. They mention a narrative of Muhammad according to which he ordered to circumcise converts even though they were 80 years old. They argue that if a convert refuses to be circumcised, he is liable of the death penalty, citing here the fact that Abraham was circumcised at 80. But if he is afraid for his health because of very cold or very hot weather, circumcision is delayed⁵. This rule applies for men and women⁶. Al-Sawi (d. 1825) believed that an adult should circumcise himself because he is not allowed to show his genitalia to others. But if he cannot perform it, he is dispensed from the circumcision. *A fortiori*, the woman will also be dispensed from circumcision⁷.

Shiites require the circumcision of male converts but consider female circumcision optional⁸.

Muslims nowadays are rigorous with regard to circumcision of converts. Nasir Al-Sa'id reports that England sent soldiers with their weapons to sustain Ibn-Sa'ud in Arabia against the Sheriff Al-Husayn. Ibn-Sa'ud pretended that weapons and soldiers were taken from the Sheriff Al-Husayn and his sons. But the Bedouins wanted to kill the English soldiers when they discovered they were uncircumcised. In order to calm the Bedouins, Ibn-Sa'ud gathered the soldiers in their presence and in the presence of the religious authorities and circumcised them while they repeated the sentence: "I attest that there is no divinity other than Allah and that Muhammad is the messenger of Allah"⁹.

In 1950, Ahmad Amin reported that a Sudanese tribe wrote to a religious scholar of Al-Azhar to ask about conditions to become Muslim. The first condition being circumcision, the tribe gave up its project to convert¹⁰.

A foreign couple wanted to convert to Islam in Saudi Arabia. An official of the *fatwa* required the couple to wash, to pronounce the famous aforesaid sentence and to circumcise.

¹ Al-Sukkari, p. 72.

² Al-Jamal: Nihayat al-bayan, p. 33.

³ Al-Qadiri, p. 101.

⁴ Al-Tabari: Tarikh, vol. 3, p. 592.

⁵ Al-Baji, vol. 7, p. 232; Al-Qarafi, vol. 13, p. 278; Al-Nazawi, vol. 2, p. 42-44; Al-Bahuti: Kashshaf al-qina, vol. 1, p. 80; Ibn-Qudamah, vol. 1, p. 71; Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

⁶ Ibn-Qudamah, vol. 1, p. 71.

⁷ Al-Sawi, vol. 2, p. 152.

⁸ Al-Amili: Wasa'il al-shi'ah, vol. 15, p. 166-167; Al-Kalini: Al-furu, vol. 6, p. 37.

⁹ Al-Sa'id: Tarikh Al-Sa'ud, vol. 1, p. 234-253.

¹⁰ Amin: Qamus al-adat, p. 187.

Consulted, the commission of *fatwa* says that male circumcision is obligatory for men and meritorious act for women. But it encourages delaying the requirement of circumcision until faith is consolidated in the heart of the converts, to avoid that they give up conversion due to fear of circumcision¹.

C) The one who is born or converts circumcised

We saw that Jews draw a drop of blood from the glans of a child born without a foreskin and convert who was already circumcised.

This Jewish practice is unknown among Muslims. But some classic jurists, notably among Shiites², hold that if a child were born without a foreskin, it would be necessary to pass the knife on the site of circumcision. They say that the pilgrim who goes to Mecca must shave his hairs, and if he is bald, one passes the knife over his skull. By analogy, one should apply this rule to one who is born circumcised. Other jurists refuse this practice because it violates modesty without necessity and constitutes a mockery of religion. For them the goal of circumcision is to uncover the glans. If this goal is achieved, there is no longer any need to circumcise. But if the foreskin were not entirely missing, it would be necessary to remove what remains of it³.

There is no debate among Muslims with regard to a convert who was already circumcised. He would not have to go through the ordeal again.

D) Hermaphrodite and the one who has two penises

Classic jurists asked what to do with the hermaphrodite, who does not have obvious male or female genitalia.

Al-Nawawi proposed that it is necessary to circumcise the two organs⁴. Al-Bahuti shares this opinion, for precaution⁵. Others hold that it is necessary to wait until the person becomes an adult to ascertain his true sex and to then circumcise only the predominant one. Others propose leaving the hermaphrodite without circumcision⁶. Two modern authors lean for circumcision of the two organs as a precaution⁷.

The same debate took place between the classic jurists relative to a man who has two penises. Al-Nawawi reports an opinion according to which one should circumcise the penis which urinates. If the two penises function, it is necessary to circumcise both⁸. Al-Ansari has the same opinion but adds that in case of doubt, one shouldn't circumcise either penis⁹.

2) Participants in the circumcision ritual

Muslims surround circumcision with less religious formalities than do Jews, even though male circumcision can be occasions for great festivities. The only element that interests us here is to know who can perform circumcision.

Islamic law strongly insists on the respect of modesty and establishes restrictive rules concerning body parts that a person can see of another. Circumcision consists of amputating a

¹ Fatwa published in 1989, in Aldeeb Abu-Sahlieh: *Khitān*, vol. I, annex 14.

² Al-Amili: *Wasa'il al-shi'ah*, vol. 15, p. 164; Al-Tubrusi: *Makarim al-akhlaq*, p. 220.

³ Al-Nawawi, vol. 2, p. 43; Ibn-al-Haj, vol. 2, p. 296; Ibn-Juzay, p. 214; Al-Bahuti: *Kashshaf al-qina*, vol. 1, p. 81; Ibn-Hajar, vol. 10, p. 340; Al-Hattab, vol. 3, p. 258; Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: *Khitān*, vol. I, annex 1. For our time, see Al-Sukkari, p. 87.

⁴ Al-Nawawi: *Al-majmu*, vol. 1, p. 304.

⁵ Al-Bahuti: *Kashshaf al-qina*, vol. 1, p. 81; Al-Bahuti: *Sharh muntaha al-iradat*, vol. 1, p. 40.

⁶ Al-Hattab, vol. 3, p. 259. See also Al-Ansari: *Nihayat al-muhtaj*, vol. 8, p. 36; Al-Ristaqi, vol. 1, p. 438; Ibn-Abidi: *Rad al-muhtar*, vol. 5, p. 478.

⁷ Al-Sukkari, p. 89; Al-Marsafi, p. 35.

⁸ Al-Nawawi: *Al-majmu*, vol. 1, p. 304.

⁹ Al-Ansari: *Nihayat al-muhtaj*, vol. 8, p. 36.

sexual organ. It is therefore a serious violation to modesty that Islamic law allows in certain limits.

Classic jurists insist on the fact that circumcision must be made by a person of the same sex. So a girl or woman should be circumcised only by a woman, and a boy or man should be circumcised only by a man¹.

If the person is an adult male, Al-Nazawi says that he must show only the part to be circumcised and hide the other parts². The treaty *Al-fatawa al-hindiyyah* says that in this case, the adult should circumcise himself to avoid exposing his genitalia to others. If he doesn't know how to do it, he should buy a female slave who knows how to circumcise him³. Between master and slave there are no restrictions in matter of modesty. Al-Sawi dispenses circumcising an adult who does not know how to circumcise himself⁴.

With regard to the hermaphrodite, Al-Nawawi says that if he is young, he can be circumcised (in his two organs) either by a man or by a woman. If he becomes adult, he must circumcise himself. If he doesn't know how to do it, he must buy a slave to do it. And if he doesn't find a slave who knows how to circumcise, he can then be circumcised by a man or by a woman⁵. Al-Adawi (d. 1775) says that an adult hermaphrodite must circumcise himself⁶.

The religion of the circumciser doesn't seem to be a problem for classic jurists. So a Muslim can have his son circumcised by a Jewish circumciser⁷. Even today, despite the hostilities between Jews and Muslims, Jewish *mohels* circumcise Muslim children in France⁸. A researcher reports that the Bedouins of the Negev had the choice between a Jewish Yemeni of a nearby Israeli colony, a Druze from Daliyat Al-Karmel, and a Jewish physician from Beersheva. They ended up choosing this last. No Muslim was on the list of candidates⁹.

Modern Muslim authors seem to opt for a more rigorous position. They insist that circumcision be done by a Muslim physician, of the same sex as the person to be circumcised. The determination if a person can survive an operation or not must be taken by a Muslim physician¹⁰. Al-Sukkari requires that the circumciser, male or female, be a devout Muslim, a specialized surgeon, knowing the teachings of Muhammad and using the best medical means to reduce pain¹¹.

Despite the rigor of these authors, the practice demonstrates that a midwife or a barber performs the majority of male and female circumcisions. It is the reason for which the Egyptian health ministry forbids all non-physicians to practice this operation, in its decree no 261 of July 8, 1996. We will return to this decree in the legal debate.

3) Modes of male and female circumcision

Classic jurists say it is desirable that male circumcision be followed by a meal for guests, and female circumcision is made in discretion¹².

¹ Ibn-Juzay, p. 214.

² Al-Nazawi, vol. 2, p. 42.

³ Al-fatawa Al-hindiyyah, vol. 5, p. 357.

⁴ Al-Sawi, vol. 2, p. 152.

⁵ Al-Nawawi: Al-majmu, vol. 1, p. 304.

⁶ Al-Adawi: Hashiyat Al-Adawi, vol. 2, p. 409.

⁷ Al-Amili: Wasa'il al-shi'ah, vol. 15, p. 160.

⁸ Hidiroglou, p. 49.

⁹ Marx: Circumcision feasts, p. 425.

¹⁰ Al-Marsafi, p. 68.

¹¹ Al-Sukkari, p. 85-86.

¹² Ibn-al-Haj, vol. 2, p. 296; Ibn-Juzay, p. 214.

Customs relative to circumcision vary according to country, region and social group. One generally prefers that it be done on an auspicious day, such as a religious feast.

Male circumcision consists of cutting the foreskin, so the glans be uncovered. If the part which is cut is insufficient, it is necessary to redo¹. If the foreskin grows after circumcision, some jurists say it is necessary to cut again², others are satisfied with the first attempt³.

Some Muslim groups practiced, and probably continue to practice, a circumcision called *salkh*, which consists of removing all the skin of the penis. Religious authorities condemn this practice. Refer to the first part of this book.

With regard to female circumcision, Muhammad's counsel: "Cut little and don't overdo" limits Muslim circumcision to the minimum, so circumcision won't weaken a woman's sexual appetite⁴. Such a restriction doesn't define precisely the part to cut: glans of the clitoris, clitoris itself or hood (foreskin) of the clitoris. One Egyptian physician held that it is necessary to cut a part of the clitoris as well as the small lips⁵. Another physician writes that one can cut a third of the small lips, without causing prejudice for girl⁶.

Jad-al-Haq says in his *fatwa* that it would be necessary to cut "the skin or the core above the glans of the clitoris"⁷. Annotating this *fatwa*, Nur Al-Sayyid refutes the cutting of the clitoris because it is the most sensory part of the woman. She feels it is necessary to cut only, and completely, the hood (foreskin) in a circle around the clitoris⁸.

Such orders, aiming to reduce the part amputated, are not generally respected, notably if we consider Pharaonic circumcision.

Pharaonic circumcision can be made several times. The first time, it takes place when the girl is a minor. It is redone after every childbirth, after divorce or widowhood. It can be redone also if the parents feel that the hole left open for the out-flow of urine and the menstrual blood is too big. In Somalia, a grain of corn, or even of sesame, is slipped on the scar. If the grain stops in the hole, it is necessary to undo the scar and to re-sew the vagina to reduce the hole⁹. If the other types of female circumcision are performed once, it happens that the operation be redone two or three times if parents think quantity cut is insufficient or if the clitoris re-grows¹⁰.

4) Destiny of amputated parts

Al-Qurtubi says: "The body of the believer has immunity [...]. It must be buried after death. The same applies to his parts so that they are not thrown in fire or in dirt". He mentions a narrative of Muhammad that says: "Bury the clippings of your nails", as well as a narrative of A'ishah, his wife, according to whom Muhammad buried the foreskin and other parts of the human body such as teeth, hairs, and nails¹¹.

Al-Nawawi points out that there are two opinions concerning parts separated from the human body. According to one opinion, they must be buried with the dead in his shroud.

¹ Al-Nawawi: *Al-majmu*, vol. 1, p. 301-302; Al-Bahuti: *Kashshaf al-qina*, vol. 1, p. 80; Al-Jamal: *Hashiyat Al-Jamal*, vol. 5, p. 173.

² Al-Amili: *Wasa'il al-shi'ah*, vol. 15, p. 167.

³ Al-Jamal: *Hashiyat Al-Jamal*, vol. 5, p. 173.

⁴ Al-Qarrafi, vol. 13, p. 281; Ibn-Taymiyyah: *Fiqh al-taharah*, p. 17; Al-Nawawi: *Al-majmu*, vol. 1, p. 302.

⁵ Al-Ghawwabi, p. 50, 54-55, 62.

⁶ Yahya Abd-al-Salam Wafa, in *Al-Sha'b*, 30.9.1994, quoted by Salim: *Dalil al-hayran*, p. 39.

⁷ Jad-al-Haq, in Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex 6.

⁸ Rashid, in Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex 13.

⁹ Gallo: *La circoncisione femminile in Somalia*, p. 14.

¹⁰ Abd-al-Salam: *Female sexuality*, p. 82.

¹¹ Al-Qurtubi: *Al-jami*, vol. 2, p. 102-103.

According to another, they must be put in the earth and not in the tomb. He opts for this last solution¹.

We mentioned the opinion of Ibn-Juzay elsewhere who holds that the foreskin is impure and must not be buried in the mosque as make some people ignorant².

Ahmad Amin says that in Egypt they put the foreskin in a handkerchief with salt so it won't rot, and the handkerchief is attached around the child's neck. After his recovery, the foreskin is thrown in the Nile³. Other sources report a similar practice with regard to the girl's organs⁴. We will see in the social debate that this practice is bound to the concept of organ sacrifice to the divinity.

Despite the fact that the Muslims consider the foreskin impure, they believe that they will recover it in the afterlife. This belief is based on two Koranic verses:

- Just as he initiated you, you will ultimately go back to him (7:29).
- On that day, we will fold heaven, like the folding of a book. Just as we initiated the first creation, we will repeat it. This is our promise; we will certainly carry it out (21:104).

Several narratives of Muhammad speak about this concept. We mention here two:

- You will be resuscitated undermined feet, naked and prepuce⁵.
- You will meet God naked, on foot and prepuce⁶.

Annotating these narratives, Al-Nawawi writes that people will be resuscitated as they had been created, not lacking anything, with their foreskin⁷. Ibn-Qayyim Al-Jawziyyah writes on this subject:

God - the one who never misses to his promise - promised to redo his creatures as he had made them for the first time. It is therefore normal in the achievement of his promise to redo people in the entirety and the perfection of their members.

He explains the reason for which men will recover their foreskin:

Circumcision has been enacted in this life in order to perfect the purity and to be free of urine. However, people of paradise don't urinate or defecate. Therefore no filth touches their foreskin of which one must keep clean. On the other hand, the foreskin doesn't prevent pleasure of mating [in the paradise] and it is not an obstacle for mating⁸.

One recovers this conception of the return to the physical integrity by the Christian Tertullian (d. ca 220) who says:

In Christ all is called to the beginning, so that the faith came back from circumcision to the integrity of the flesh [...] and that the man in his integrity is recalled to Paradise, where he was in the beginning⁹.

5) Ritual of circumcision

Contrary to Jews, Muslims don't have a religious ritual for circumcision even though it has a religious sense for them.

¹ Al-Nawawi: Al-majmu, vol. 5, p. 183-184.

² Ibn-Juzay, p. 214.

³ Amin: Qamus al-adat, p. 188-189.

⁴ Abd-al-Salam: Female sexuality, p. 77; Abu-al-Su'ud: Khibrat maydaniyyah, p. 109.

⁵ Al-Bukhari, hadith 3171. See also hadith 6159-6162.

⁶ Ibn-Hanbal, hadith 1916. See also Muslim, hadith 2859 and 2860.

⁷ Al-Nawawi: Al-minhaj fi sharh sahih Muslim, vol. 17, p. 317-318, margin.

⁸ Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

⁹ Tertullien: Le mariage unique (De monogamia), p. 151.

Shiite sources report that Imam Al-Sadiq recommended saying a prayer at the time of a son's circumcision or before he is ready to ejaculate. This prayer is supposed to protect the child from pain resulting from iron, as to be killed or other sufferings. The prayer is as follows:

Our God, this is your law and the law of your Prophet - your prayers be on him and on his family - while following your model [Abraham?], your books, your Prophet, your will and your judgment, for a reason that you wanted, a decree that you imposed and an order that you executed. You made him undergo the suffering of iron at the time of his circumcision and his shaving for a motive that you know better than us. Our God, purify him of sins, prolong his life, protect his body of curses and sufferings, give him wealth and protect him of the poverty. Because it is you who know whereas we don't know¹.

Al-Abbudi writes that in the United Arab Emirates when the circumciser prepares the knife to cut the foreskin, men around him raise their voice praying in favour of Muhammad and his family and sing some verses of poetry as: "Watch upward oh circumcised". This aims to distract the child from the suffering of the knife².

Al-Sukkari says that the circumciser of a girl "must begin the operation by saying the expression: *In the name of the merciful and compassionate God*, praising God and praying for the Prophet who instituted this magnificent meritorious act"³.

¹ Al-Tubrusi: Makarim al-akhlaq, p. 220; Al-Amili: Wasa'il al-shi'ah, vol. 15, p. 169.

² Al-Abbudi: Al-khitan fi al-imarat, p. 67.

³ Al-Sukkari, p. 86.

Part 3.

The medical debate

This part is divided into seven chapters. The first chapter examines the relationship between clergy and physician, concerning circumcision. The second chapter examines how proponents and opponents tried either to trivialize or to exaggerate male and female circumcision. The third chapter focuses on the debate over pain resulting from these two practices. The fourth and fifth chapters review the damage of circumcision on an individual's health and sexuality. Chapter six presents arguments of proponents and opponents on the health advantages and disadvantages of circumcision. The seventh chapter is dedicated to examining the increasing practice of foreskin restoration introduced first in the Greco-Roman world and surfacing today in the United States and Europe.

Chapter 1.

Relationship between clergy and physicians

1) Conflict between science and religion

Jews, Christians and Muslims believe God established norms regulating relations between humans and God. These norms were consigned by God through prophets and transcribed into holy books. Because God is omniscient, they believe everything in these books is absolute and true. Politicians echo this concept. Egyptian president Sadat said the following in a public speech:

Islam is not merely a set of devotions, rituals of pilgrimage, moral homilies, and mechanical readings of God's book. No, our Koran is a complete encyclopaedia that leaves no aspect of life, thought, politics, society, cosmic secrets, mysteries of the spirit, legal transactions, family law, without giving its opinion. The miraculous aspect of Koranic legislation is that it suits all time¹.

This concept provoked conflicts between the clergy and scientists in the domains of philosophy, astronomy, history, government and medicine.

Thus, there is a conflict between the clergy and philosophers who rely on reasoned ideas. Socrates was only the first recorded innocent victim of this conflict. Such a conflict can be further illustrated among Muslims in the confrontation between Al-Ghazali (d. 1111) with his book *The Incoherence of philosophers*, and Ibn-Rushd, the famous Averroes (d. 1198), with his two books *The incoherence of the incoherence* and *The decisive treaty on the harmony of religion and philosophy*. In this latter book, Averroes attempts reconciliation between philosophy and Islamic law through an interpretation of the holy book. He begins with a premise that states: "We Muslim's are convinced that our Divine Law is the truth" and concludes with a sprig of doubt:

If therefore our Divine Law is truthful, [...] [philosophical] truth cannot contradict [religious] truth but agrees with it and testifies in its favour. [...] If the demonstration leads to a disagreement with the external meaning of Divine Law, this external meaning still admits interpretation².

¹ Al-Ahram, 1.6.1976, p. 6.

² Ibn-Rushd: Fasl al-maqal, p. 7, 8-9.

Averroes does not reject the holy books, probably more out of fear than by conviction. But had he need to reject them since the interpretation leads to the same result by neutralizing them? His tactics didn't prevent the clergy to persecute him and to burn his books.

A conflict also exists in astronomy. The Bible says the sun revolves around the earth (Jos 10:12). Astronomers, notably Galileo (d. 1642), proved the opposite. But at that time, who was to be believed? In 1633 the Church relied on the Bible and forbade Galileo to teach his theory. The church recanted its position in the 19th century and in 1992 Galileo was reinstated to the Church in the Pope's speech to the Pontifical academy of sciences. The Pope qualified this case as a "sad misunderstanding" and resorted to a reasoning that strangely resembles Averroes: "Truth cannot contradict truth and we may be sure that some mistakes have been made either in the interpretation of the Holy Words, or in the polemical discussion itself"¹. In this way the Pope maintained the stance of Biblical Infallibility. The same problem is found among Muslims of our time. Ibn-Baz, the highest Saudi religious authority (d. 1999), repeated that the theory of the earth's rotation around the sun contradicts the Koran. One who professes this fact denies God, the Koran, and his Prophet, and therefore merits the death penalty for apostasy².

A similar conflict exploded between Taha Husayn (d. 1973) and Egyptian religious authorities. These authorities complained against Husayn's book *The Pre-Islamic Poetry* for having treated the story of Abraham and Ishmael as ungrounded legend. In doing this, the religious authorities said the author "offended Muslims by denying the Koran". This matter continues to generate much press in Egyptian religious milieus. Due to the political conjuncture of that time, the complaint has been rejected by the attorney general who judged that "the author did not have the intention to insult religion and that the hurtful sentences for religion are dictated by research". Taha was forced to reissue his book changing the title and suppressing incriminating sentences³.

We have the same problem as regards to the human reports. The clergy believes that only God knows what is good and evil, and that mankind has only to follow His commands. We already observed the rabbi Maimonides⁴ (d. 1204) and the Sheik Al-Sha'rawi⁵ threatening those who refused to obey their religious law with the death penalty. Also in the name of religion, Christian religious authorities raised their stakes against those who opposed their laws and principles.

In order to limit confrontation between clergy on one hand, and philosophers, scholars, and jurists on the other, the West opted for the secularization of society and the separation of Church and State, thereby reducing influential range of various holy texts. But this does not prevent many groups from attempting to legitimize their acts and attitudes by referring to their God's holy words. Such is the case for circumcision as we will see in detail.

2) The religious and medical debate over circumcision

Male and female circumcision is first of all a medical operation but which has the misfortune to be connected to the religious text as we saw in the previous part. Four attitudes to this practice prevail.

A) Circumcision: divine order, not medical

The holy texts do not give any medical justification for circumcision. Proponents of circumcision, notably male circumcision, believe it does not have anything to do with medi-

¹ The Galileo case. On this affair, see Allègre, p. 11-52.

² Majallat al-kifah al-arabi, 27.11.1995.

³ Muhakamat Taha Hussayn.

⁴ Maimonides: The book of knowledge, p. 23-24.

⁵ Al-Sha'rawi, p. 28.29.

cine, is merely a simple execution of a divine order, and that divine orders do not require rational justification. For example, one does not have to explain the reasons why religious law requires a determined number of genuflections in prayer or a certain number of rotations around the black stone (*Kaaba*) in the pilgrimage to Mecca. Those are God's orders and one does not question God. The Koran states: "He is never to be asked about anything He does, while all others are questioned" (21:23). It is the same with circumcision. It is useless to look for scientific justifications for or against this practice. A British Jewish physician writes:

Circumcision represents the covenant made between God and Abraham, and Abraham's descendants, according to the Torah [...]. There is therefore no debate within Judaism about the necessity for circumcision in Jewish law. There is no reason to seek justification based on health or other grounds; circumcision is a commandment from God and as such no intervention would persuade religious Jews to stop performing this ritual¹.

He concludes his article in these terms:

Circumcision has been performed as a vital part of Judaism for over 4000 years and it will be part of Judaism for ever. There is no need to seek reasons for it to be performed. That it was one of the commandments given by God to Moses on Mount Sinai means that it, like the other commandments, will always be observed by the Jews. Attempts to suppress circumcision in ancient Rome and Greece, and in the Soviet Union, were largely unsuccessful as the procedure is seen as being fundamental to Judaism².

Most surprising in the first quote is that it denies the existence of any debate inside Judaism concerning circumcision's necessity. It is doubtful that this physician has no knowledge of any Jewish opposition to this topic. The periodical that published his article produced the religious point of view of a British Jewish psychiatrist opposed to male circumcision³. The Jewish physician's negation of a debate within his own community means merely that he excommunicates the opponents and does not consider them as Jews.

One finds a similar attitude from an Egyptian Muslim jurist concerning female circumcision. He asks: "What are we to do if science contradicts religious norms?" and then answers:

What counts is the religious norm even though it contradicts science. It ensues because respect for religious norm is in itself obedience to God even though we don't see the reason behind this norm. Proof is in the fact that to kiss the black stone and to throw stones at the time of the pilgrimage is obedience to the religious norm even though we don't know the reason behind these gestures. This constitutes the apex of worship and obedience to God⁴.

Yahya Isma'il, secretary general of the religious scholars of Al-Azhar, said:

Female circumcision is a religious affair which concerns in the first place the religious legal scholars. One would take into account the opinion of others only after the opinion of the religious law scholars and in limits of the religious norms⁵.

B) Circumcision proves religion's veracity

This trend completes the precedent. It estimates that a contradiction between religion and medicine does not exist. Medical norms can only confirm the veracity of the religious

¹ Glass, p. 17.

² Glass, p. 21.

³ Goodman: Jewish circumcision, p. 22-27.

⁴ Taha: Khitan al-inath, p. 72.

⁵ Isma'il: Ta'qib, p. 216.

norms. Therefore, one searches the realm of medicine for a witness in favour of religion, selecting only medical opinions that agree with religious norms. According to this reasoning, God is the source from which ensues the limited knowledge of scientists, and he is the infallible being. Since God prescribed circumcision, true science must confirm it. This implacable logic can be countered only by denying any link between circumcision and God.

The aforementioned Egyptian jurist, who sustained the priority of the religious norms, says:

One cannot imagine science contradicting religious norms. And if such a contradiction takes place, it ensues from a mistake in scientific opinion and not in the religious norm. Female circumcision is based on noble prophetic narratives, and Muhammad "was not astray, nor was he deceived. Nor was he speaking out of a personal desire. It was divine inspiration" (Koran 53:2-4). Therefore, his approval of female circumcision must necessarily have benefits. If science is incapable today in discovering these benefits, it will come one day where it will be able to do so. It was the case with male circumcision of which one discovered today's benefits unknown by past scientists. So its opponents changed their opinion to sustain it to the point that it is performed in all regions of the world. Muhammad was sent by God as a "mercy for worlds" (Koran 21:107). He therefore cannot order us to do what is damaging to us¹.

Another Egyptian author writes:

Female circumcision is a law of nature. It is a general principle confirmed by heaven and sustained by prophecy. One cannot therefore abandon it [...]. Science must work to prove and not to contradict this cosmic truth [coming from God]. God did not create in vain and didn't establish norms in vain. The inability to understand these norms only resides in us until we acquire the knowledge capable to conceive divine principles admittedly as obvious as the laws of nature².

Another Muslim physician in support of male circumcision published a work under the suggestive title, *Mysteries of Circumcision Appear Clearly in Modern Medicine*³, in a serial entitled, *Encyclopaedia of prophetic medicine between prodigy and modern science*⁴. This book bases itself exclusively on favourable American opinions about male circumcision and does not mention any opposition. We will return to this book in the following chapters.

An investigation conducted with 500 Egyptian physicians shows that:

- 89.7% of the State's universities graduates are opposed to female circumcision against 23.8% of graduates of the religious university Al-Azhar.
- 98.3% of those favouring female circumcision are Muslim. Among the 85 Christian physicians questioned, only one favours female circumcision.

This shows that religious influence dominates their medical education favouring female circumcision⁵.

C) Circumcision has no relation to religion

Opponents to male and female circumcision believe it has no link to religion or that it is even contrary to religion. They try to assign it to economic and social considerations. Such a position comes from a conviction that religion cannot order barbaric practices and this

¹ Taha: Khitan al-inath, p. 72-73. See also p. 86.

² Al-Banna: Ra'y, p. 86.

³ Pasha: Asrar al-khitan tatajalla fi al-tib al-hadith.

⁴ Mawsu'at al-tib al-nabawi bayn al-i'jaz wal-ilm al-hadith.

⁵ Abd-al-Hadi; Abd-al-Salam, p. 12, 14, 55, 79 and 81.

also avoids attacking religion's tenets in what would be a counterproductive struggle¹. We already mentioned the text of Nawal Al-Saadawi in this sense. We will come back on this thought later in more detail when we examine the link between circumcision and economy².

D) Physicians must not take account of religion

This trend holds that a physician is expected to report scientifically what nature reveals to him, and that his observations and reporting must in no way be influenced by issues of ethics, morality, personal or social gain, race, nationality, patriotism, religion or creed. His integrity as a scientist demands this. If he communicates the possible social impact of his work and of his moral beliefs, religious stance, economic or political consequences, and implications from them, he is no longer a scientist. But a neutral physician is difficult to find at the religious level³.

It is therefore important to verify the hidden religious motives of physicians and evaluate their positions on male and female circumcision. A physician is, after all, a Jew, Christian, Muslim, atheist, or something in addition to being a scientist.

One will notice in this respect that Muslim physicians exhibit their beliefs more than their Jewish or Christian colleagues. This ensues from a belief among Muslims that their religion alone is true and compliant to science. On the other hand, Muslims often excessively exercise proselytism, believing that it is their duty to convert others to their religion. But the exhibitionism of Muslim authors must not hide the fact that the better tactic in passing a message is to hide the game well. This is notably the case with Jews who publish numerous medical researches on male circumcision with the intent of proving that they are justified in performing a circumcision ordered by God.

Recruiting science to serve religion is ominous for medicine. Scientific theories are neither infallible nor unchangeable. If one relies on a theory to sustain religion but that this theory proves to be false thereafter, this produces the boomerang effect against religion and reveals its ridiculousness. One can also be tempted to persist and remain chained to a false scientific theory to avoid confessing error or attacking religious convictions. The cases of Galileo and Ibn-Baz must be avoided if we wish to continue advancement of religion and science.

Chapter 2.

Trivializations and exagerations of circumcision

1) Divergent positions concerning male and female circumcision

There are three categorical positions relative to male and female circumcision.

A) Condemnation of female circumcision

This position is generally adopted by:

- The UN and its specialized organizations as the WHO, UNICEF and HCR.
- The legislators of Western and non-Western countries.
- The great majority of the NGOs, including: World medical association, International council of nurses, Amnesty international, International association of jurists, Inter-

¹ See also Al-Saadawi: *Al-mar'ah wal-sira al-nafsi*, p. 73-74; Assaad: *Al-khalfiyyah al-tarikhiyyah*, p. 73.

² See part 4, chapter 8.

³ Tangwa, p. 190.

African committee, Rainbo, Egyptian association for prevention of harmful traditional practices, Terre des hommes, Sentinelles, Terre des femmes, etc. We will note some in the legal debate.

One also finds this position in writings of Western and non-Western feminist movements, and in writings of most Muslim authors interested in circumcision.

B) Acceptance of both male and female circumcision

Religious circles, notably Muslim, but also Christian and Jewish, generally adopt this position although in lesser proportion. We will speak about this position in the parts dedicated to the social and legal debates.

C) Condemnation of both male and female circumcision

This position remains a minority one worldwide, but increases among Jews, Christians and Muslims. Several NGOs, mostly American, adopt this position, including: NOCIRC, Nurses for the Rights of the Child, Doctors Opposing Circumcision, Attorneys for Rights of the Child, etc. We will elaborate in the legal debate.

2) Reasons behind these positions

When speaking of ablating a healthy organ from a person without their consent, everyone condemns such an act according to constitutional and penal norms that protect physical integrity and personal autonomy - except for circumcision.

This unanimity should extend to both male and female circumcision, since they both constitute an ablation of a healthy organ from a person without his or her consent. This is the straightforward argument of those who reject both practices, an argument with which everyone should be able to agree. However, this is not the case. What are the reasons advanced by those who do not share this position? These reasons can be medical or non-medical. We start with the latter.

A) Non-medical reasons

The non-medical reasons invoked by those who sustain both male and female circumcision are numerous. One can distinguish six basic reasons

- Religious reasons: male and female circumcision are discerned by those who perform them as achievement of an ordered or advisable religious act.
- Psychological reasons: circumcision is a highly taboo topic because of its religious and sexual connotations. The proverb "Don't speak of rope in the house of a hanged man" applies.
- Social reasons: those opposed only to female circumcision say it is a means of oppressing women, aimed at reducing sexuality and deprivation of sexual pleasure. According to them, this is not the case with male circumcision.
- Political reasons: circumcision has political links. If one criticizes male circumcision they risk being labelled anti-Semitic or anti-Muslim, and if one criticizes female circumcision as exercised by Muslims and Africans, they risk being labelled anti-Muslim and culturally imperialistic.
- Economic reasons: circumcision has economic implications. If you ask an American physician or an African female circumciser to take a position against male or female circumcision and stop performing them, they will see your proposition a threat against their livelihood.
- Tactical reasons: Some think it is necessary to start with attacking female circumcision before attacking male circumcision.

We already spoke of the religious reasons in the second part, and we will speak in detail about other reasons in the social and legal debates.

B) Medical reasons

a) Arguments of opponents of female circumcision

Those opposed only to female circumcision speak about male circumcision without previous research or knowledge.

The UN and WHO, for example, published studies stating that female circumcision has damaging physical and psychological consequences, but they did not make any studies to explain the reasons why they keep silent about male circumcision.

Opponents of female circumcision consider it mutilating and damaging, in contrast to male circumcision. Besides, they often present female circumcision under its most devastating form, infibulation, without saying or knowing that this form concerns only between 15 and 20% of circumcised women. However, to be precise and believable, logic imposes that any comparison between male and female circumcision distinguishes between the different forms of these two practices. There is no doubt that some forms are more serious than others. Let's signal in this respect that opponents to female circumcision are against all forms of the practice on females.

An example of such a biased attitude is Fran Hosken, an important character in the struggle against female circumcision. She writes:

From a biological and health view the operations on girls are not a counterpart to male circumcision - though both operations are often done as puberty rites. But what is done to girls has a different purpose and results: A healthy and most sensitive organ is removed. From a biological viewpoint the genital mutilations performed on females are the equivalent of the amputation of part or all of the penis - with very similar physical and sexual results and quite different from what is done to boys. With boys the foreskin is cut¹.

We find a similar affirmation in a flyer distributed by the French ministry of labour and social affairs titled *We protect our small girls*. It says:

The excision: it is the ablation of an important part, partly or completely, of the clitoris and the small lips [...] One can compare it to the section of the penis of the boy².

Some African women hold a similar viewpoint. Dorkenoo, responsible for policy on sexual mutilations in the WHO in Geneva, writes:

Clitoridectomy, which is the most common form of FGM, is analogous to penisectomy rather than to circumcision. Male circumcision involves cutting the tip of the protective hood of skin that covers the penis but does not damage the penis, the organ for sexual pleasure. Clitoridectomy damages or destroys the organ for sexual pleasure in the female³.

Nahid Toubia, a Sudanese pioneer in the struggle against female circumcision and is a physician, writes:

In the communities where FGM takes place it is referred to as "female circumcision". This term, however, implies an analogy to non-mutilating male circumcision, which is not the case. Male circumcision is the cutting off of the foreskin from the tip of the pe-

¹ Hosken: The Hosken report, p. 32.

² Nous protégeons nos petites filles, [p. 2]. See also Sanderson, p. 17; Thiam, preface of Benoîte Groult, p. IV; Schnüll: Einleitung, p. 14-15.

³ Dorkenoo, p. 52.

nis without damaging the organ itself. [...] The male equivalent of clitoridectomy (in which all or part of the clitoris is removed) would be the amputation of most of the penis¹.

In September 2000, UNICEF-Switzerland distributed a flyer titled *The excision: mutilation or ritual?* The flyer says:

The term excision is little explicit. It recalls the circumcision of boys that consists in removing a part of the foreskin: this practice has some hygienic advantages without hindering in any way the normal function of the penis. On the contrary, the excision is a mutilation of the female genital organ with lasting consequences for the health of the woman concerned and for the children whom she will bring into the world.

That flyer adds that ablation of the clitoris, or Sunnite excision, corresponds in a boy "to an amputation of three quarters of the penis". As for infibulation, it corresponds "to the complete ablation of the penis".

I brought that flyer to the attention of opponents of male circumcision. They sent many disapproving messages, some assertive, accusing the UNICEF of distributing misinformation and failing in its mission to defend all children without gender discrimination. Some people wrote that they would no longer support the UNICEF.

Such erroneous positions are not rare in Arabic writings opposed to female circumcision. A book published by an Egyptian association writes:

The girl's circumcision is a thing completely different from a boy's circumcision. The boy's circumcision is for cleanliness and suppression of an excrescence without utility and prevention against numerous illnesses as cancer. It rarely causes damage if the circumciser is an expert. The girl's circumcision affects parts responsible to a great extent in the regulation of marital life, of the harmony between the couple and the natural right of the woman to enjoy a marital life².

Dr. Ramadan says that male circumcision is the ablation of superfluous skin, whereas female circumcision is the ablation of an essential organ. It is as if the penis or the glans penis were cut³. Dr. Al-Fanjari writes:

Female circumcision differs radically from male circumcision. [...] The woman's clitoridectomy corresponds to cutting the glans of the penis or the castration exercised on slaves by their owners to protect the chastity of their women⁴.

Such an exaggeration of female circumcision and trivialization of male circumcision is erroneous. If we want to compare the two operations anatomically, we can say the following:

- The partial ablation of a man's foreskin corresponds to the ablation of a woman's foreskin.
- The total ablation of a man's foreskin, as performed by Jews, corresponds to the ablation of a woman's foreskin and the small labia.
- Penisectomy corresponds to the ablation of a woman's external genitalia: the hood of the clitoris, the clitoris, the labia minora and the labia majora. On a sexual level,

¹ Toubia: Female genital mutilation a call for global action, p. 9.

² Al-Sarjani, p. 28.

³ Ramadan, p. 67.

⁴ Al-Fanjari: p. 15-16. See also Fayyad, p. 27; Uways, p. 9.

penisectomy prevents penetration and sexual relations. But clitoridectomy, or even infibulation, doesn't prevent sexual relations¹.

It is therefore completely false to say that, unlike female circumcision, male circumcision doesn't have an effect on the sexual pleasure of men. We will come back to this issue in chapter V.

As we have just seen, some consider female circumcision to be mutilation. Therefore, it is called: *female genital mutilation*. On the other hand, they don't consider male circumcision to be a mutilation. They consider it the simple ablation of an abnormal growth. Some even compare male circumcision to the cutting of hair or nails, or even to ear piercing.

This is only a game of words. No one can deny that male circumcision is a mutilation if we refer to French or English medical dictionaries. Mutilation, according to Dr. Gérard Zwang, is the amputation, in a definitive and irreversible manner, of a healthy organ. This definition applies to the amputation of sexual organs from both men and women².

We cannot say that male circumcision corresponds to cutting hair and nails. It is true that both are part of the human body, but hair and nails do not contain nerves and blood vessels. Once cut, they grow back. Unlike circumcised amputated sexual organs, letting hair and nails grow without cutting them becomes encumbering.

b) Arguments of proponents of female circumcision

Those who are in favour of female circumcision are also in favour of male circumcision. The same arguments used to promote male circumcision are also used to promote female circumcision. In contrast to the previous position, they claim that female circumcision, if done according to the rules of the art and in the limits of religious norms, does not represent any physical or psychological damage. Furthermore, they claim it has some benefits.

They assert the organs cut from men and women are superfluous excrescences. Ibn-Qayyim Al-Jawziyyah (d. 1351) said that male and female circumcision consist of "removing the dirty surpluses where lives the Demon"³. Sheik Shaltut says the following about the female organ cut in circumcision:

This excrescence constitutes an inconvenience in sexual relations, either for the woman or the man, who is not accustomed to feel it or repels from seeing it. Therefore its ablation is a meritorious act for the woman and for the man in their known moments⁴.

Nur Al-Sayyid Rashid believes that it is not necessary to cut the clitoris because it is the most sensual organ in a woman. She proposes cutting off the clitoral foreskin. She says that such an operation is not damaging for a woman⁵.

This concept of female genitalia is also found in Western writings. A report in 1966 from Harvard's Medical School proposes complete clitoridectomy, affirming that a clitoris is not necessary for normal sexual function. The alleged proof for this statement came from studies of clitoridectomised African women. The authors noted: "Normal sexual function is observed in these females"⁶.

As expected, the proponents of female circumcision refuse to qualify it as a mutilation. Such a label is considered by them to be an insult and a lie⁷.

¹ See a critique of Dorkenoo in: Bodily integrity for both, p. 7-8, 22-23.

² Zwang: Les mutilations sexuelles féminines, p. 24; Zwang: Functional and erotic consequences, p. 71.

³ Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

⁴ Shaltut, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 7.

⁵ Rashid, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 13.

⁶ Wallerstein: Circumcision: an american health fallacy, p. 170.

⁷ See part 4, chapter 9.3.B.a.

c) Arguments of opponents of both male and female circumcision

The opponents of all circumcisions state that these practices provoke an unjustifiable pain and are physically and psychologically damaging. They also state that the disadvantages of circumcision outweigh any supposed advantages.

Before developing these arguments in the following chapters, it must be pointed out that if there is a lack of integrity in the reasoning of many in the various human rights organizations, the situation is even worse in the general public. This public follows the fashion in its opposition to the female circumcision and in its silence in front of the male circumcision.

Chapter 3. Circumcision and pain

Inflicting pain on others is immoral and contrary to the Golden Rule: "Everything that you want that men make for you, make it yourselves for them" (Mt 7:12). If there is a valid medical reason, as in surgical intervention to save lives, pain must be the least possible. In this case, one must use anaesthesia or other means of pain control, show compassion to the suffering person, avoid enjoying their pain, and make them understand that the operation is in their interest.

However, the majority of cases of male and female circumcision are performed in a completely opposite manner: without medical reason, on a healthy organ and without anaesthesia. While the child suffers without knowing the reason, those present are delighted. And worst of all is that the proponents of circumcision try to convince others that the child doesn't suffer or that their pain is for a short, quickly forgotten period. This pretence is even extolled in scientific circles that discuss the non-use of anaesthesia on children and its effect.

1) Who doesn't suffer: the child or others?

A) Negation of children's pain

There is no doubt that male and female circumcision performed during puberty or adulthood is painful. Egyptian women say that the day of their circumcision was a "black day" and avoid its discussion¹.

Female circumcision takes place in an age when girls can discern the operation. It has two main reasons: the difficulty of seizing her organs when younger, and the desire to mark the girl with pain so that she will be on guard against this part of her body. For boys the tendency is to circumcise them when they are very young. One believes that the child suffers less in this age, and is easier to master him.

Maimonides (died 1204) expressed the idea that children feel pain less than adults. He justifies the choice of the eighth day for circumcision by the fact that "the young child has not much pain, because the skin is tender, and the imagination weak; for grown-up persons are in dread and fear of things which they imagine coming some time before these actually occur"².

Rabbis always repeat this idea. Rabbi and *mohel* Gartner says the eighth day is ideal for circumcision in regards to pain. When asked if he believes in what he says, he answered: "Yes, definitely. I have performed quite a few hundred circumcisions and very often I did-

¹ Abd-al-Salam; Hilmi, p. 59.

² Maimonides: The Guide for the perplexed, section III, chapter 49.

n't even hear a peep out of the baby"¹. Rabbi and *mohel* Ronald Weiss annotates the degree of pain with: "It is essentially painless as if going to the barbershop to get your hair cut". Expert *mohel* Romi Cohn, who has carried out thousands of circumcisions over 17 years, says that the procedure is "absolutely painless, for Jewish law is careful not to cause trauma to the child"².

Some tried to construct theories to sustain the opinion of Maimonides. So they proposed that the child's brain is not sufficiently developed in regards to emotion and memory. A paediatric specialist at the University of Pennsylvania wrote in 1895: "When the baby is just born ... it is ... very little more intelligent than a vegetable... It is, in fact, not directly conscious of anything"³. Gerald N. Weiss, a vehement activist for mass circumcision, wrote in a medical periodical in 1994:

The concern of pain in the procedure [circumcision] seems little justified in the neonate ... Current studies point to the poorly organized nociceptive reflexes in the newborn. This finding suggests no absolute need for anaesthesia in infants before the tenth post-natal day⁴.

One finds such a concept in Muslim authors. Dr. Khaffaji writes:

Rather male circumcision is done. It is best. Indeed, the appreciable nerves to pain only develop themselves after six months after birth⁵.

Besides circumcision, this belief that children do not feel pain has led to numerous surgical interventions on newborns without anaesthesia. This concept is so anchored in American medical thought that the American academy of paediatrics found itself obligated to indicate in its 1999 report on circumcision: "It exists as important proof that newborns circumcised without anaesthesia feel pain and physiological tension"⁶. Pain in the newborn was not believed and it was necessary to do research to prove that the newborn suffers! Despite this research, physicians and rabbis continue to repeat that children do not suffer. Some physicians recover their common sense and change their attitude. Dr. Fleiss writes his experience in moving terms:

I performed hundreds of circumcisions [...]. While I was circumcising a baby, I focused all my attention on the procedure and not on the infant. I was inattentive to the agonizing screams coming from the infant because, in medical school, I had been taught that infants cannot feel pain, and that, if they did feel it, they would not remember it [...] One day, however, while circumcising a baby, his screams suddenly registered in my brain. I never circumcised another infant after that. I had realized that, as a paediatrician, I am duty-bound to be an advocate and protector of babies and children. Circumcising a child is a betrayal of the physicians' code of ethics⁷.

B) Do newborns feel pain?

To know if newborns feel pain, it is necessary to wonder if they benefit from the use of the five senses of touch, hearing, sight, smell and taste.

Newborn infants need and enjoy touch. Stroking has been shown to result in greater alertness and faster weight gain. For this reason, it is recommended that the newborn should, whenever possible, be placed in his mother's arms. They can also detect slight temperature

¹ Romberg: Circumcision, p. 66-67.

² Goldman: The psychological impact, p. 98.

³ Goldman: Circumcision the hidden trauma, p. 7.

⁴ Weiss;Weiss.

⁵ Quoted by Mahmud: Hukm al-islam, p. 25.

⁶ American academy of pediatrics, Task force on circumcision: Circumcision policy statement (RE9850).

⁷ Fleiss: An analysis, p. 392.

changes on their skin. These changes are sensed during circumcision, when an infant is often removed from the warmth of his mother's body and placed on a hard board of moulded plastic.

Hearing in infants is well developed. Newborns can distinguish between familiar and unfamiliar sounds. They can also determine the direction from which the sounds are coming. During circumcision, an infant hears no voice or a strange voice, rather than the preferred voice of the mother.

A day old infant will look at things put in front of him. His eyes focus best in the range of about eight to twelve inches. Coincidentally, this is about the distance between an infant's face and the mother's face during nursing. A newborn infant looks and acts differently when looking at faces than at inanimate patterns. During circumcision his eyes are tightly closed, possibly indicating that he does not want to see what is happening to him.

An infant's response to smell is similar to adult responses. For example, he is averse to the smell of rotten eggs and smiles when presented with the smell of honey. An infant being circumcised smells the strange hospital odours and not the familiar preferred smell of mother.

At birth an infant makes facial expressions after drops of various substances are placed on their tongues. The expressions resemble those of adults. An infant's sense of taste is not stimulated during circumcision unless he vomits. To prevent this possibility, feeding is not permitted before the procedure.

A newborn has six behavioural states. The three wake states include quiet alert, active alert, and crying. Drowsiness is a transition between wakefulness and sleep. The two sleep states are quiet sleep and active sleep. Each state of consciousness has its own specific set of behaviours. An infant is typically in a crying state during circumcision, which is a sign of distress¹.

A newborn infant is an enthusiastic learner. They learn their mother's face within a few minutes after birth and will respond differently to the mother if she wears a mask and is silent during feeding. An infant being circumcised experiences that his expressions of distress are not being heeded. Because of the lack of a response to his distress, some infants may learn that they are not safe and withdraw². Since memory is a prerequisite for learning, this demonstrates that an infant has a memory. Behaviour changes after circumcision demonstrate memory of the event³.

Investigators at Children's Hospital in Boston looked at anatomical, neurological and neurochemical systems; cardiorespiratory, hormonal and metabolic changes; body movement; facial expressions; crying; and behavioural responses such as temperament and sleep states. They concluded that newborn responses to pain are similar to but greater than those observed in adult subjects. The effect of anaesthetics given to the mother prior to birth reduces infant responses. Therefore, absence of crying does not preclude the possibility that the infant feels pain⁴. Jenny Goodman, a Jewish psychiatrist, writes:

Not only do newborn babies feel pain, they feel it more intensively, for longer and over a wider area of the body than do older children or adults subjected to the same stimulus. [...] The nervous system of a newborn baby differs from that of an older child or adult, both anatomically and physiologically, so that what would constitute a light or harmless

¹ Goldman: Circumcision the hidden trauma, p. 13-16.

² Ibid., p. 16-17.

³ Ibid., p. 18-19.

⁴ Ibid., p. 19.

stimulus to the older child or adult actually produces pain in the newborn. Furthermore, newborns lack the inhibitory or damping down mechanisms of the more mature nervous system, so they cannot protect themselves from the experience of pain in the way they could at a later stage¹.

She adds:

The developmental anatomy of the penis also suggests that the earlier circumcision is performed, the more painful it will be. In the neonatal period, only 4% of children have a retractable foreskin. For 96% of Jewish babies therefore, circumcision will involve the forcible tearing of the foreskin from its attachment to the glans, as well as the cutting of its attachment to the sulcus. However, at the age of 3 years, 90% of boys have a retractable foreskin, and therefore this additional trauma would only apply to 10% of them².

C) Reasons behind the negation of children's pain

a) Why do clergy and physicians deny children's pain?

Several explanations can be given for why clergy and physicians deny children's pain:

- The newborn can be in a state of shock, which prevents his reactions. He can also be under the effect of the anaesthesia that has been given to his mother before childbirth. He is born drugged³.
- The pain is denied due to the perpetrator's guilt about inflicting infant pain⁴.
- The circumciser can pretend that circumcision does not cause suffering to calm parents so that they do not change their minds about the circumcision. According to the textbook *Maternity Nursing* (1976), mother is often anxious about the baby, and therefore the nurse is advised to reassure her "that the procedure will not be very painful for her child. The infant will cry during the operation, but this is due as much to the necessary restraints as to the discomfort"⁵.
- In popular Arab saying, insensible persons became a *crocodile*, which means that he has a thick protective skin that impedes him from feeling. One notices it in butchers who, after having slaughtered hundreds of animals, fail to hear their screaming. One who loses sensitivity refuses all contrary argument because sensitivity is the key to knowledge. Lack of feeling impedes debate about circumcision among physicians⁶.
- Group influence, peer pressure, prevents a person from individual opinion. Most physicians believe that parents and their colleagues agree with circumcision, so they do not hesitate to cut. Additionally, when a physician performs his first circumcision, a superior directs him. Given the past and current cultural and professional environment, only an exceptional doctor would refuse to comply with a senior doctor's instructions. There is no cruel intent, only denial and self-deception. Once a physician does a circumcision, he has crossed an emotional line from which it is exceedingly difficult to retreat. Goldman notices that Vietnam veterans who participated in atrocities deny having inflicted harm. The same happens with circumcision⁷.

¹ Goodman: Jewish circumcision, p. 22-23.

² Ibid., p. 23.

³ Goldman: Circumcision the hidden trauma, p. 8.

⁴ Ibid., p. 33.

⁵ Wallerstein: Circumcision: an American health fallacy, p. 136.

⁶ Goldman: Circumcision the hidden trauma, p. 188-189.

⁷ Ibid., p. 191-192.

Physicians were asked whether they never, sometimes, or always felt personally uncomfortable while performing circumcisions. Only 13% of respondents reported always feeling uncomfortable, 38% sometimes felt that way, and 43% claim they never felt uncomfortable. It means most physicians disassociated from emotion¹.

b) Why do parents deny children's pain?

Are parents conscious of the pain at the time of circumcision, and if that is the case, why do they deliver him to the physician?

Maimonides tried to give an answer to this question. He proposed that one of reasons for which the Jewish law fixed the circumcision to the eighth day is that:

The parents' love for a newborn child is not so great as it is when the child is one year old; and when one year old, it is less loved by them than when six years old. The feeling and love of the father for the child would have led him to neglect the law if he were allowed to wait two or three years².

Romberg attributes the lack of love on behalf of the mother to the hospital system that doesn't let the child stay close to her. The mother loses control of him and feels little attachment to him; she is not empowered to protect him from physicians who sometimes circumcise him before she even sees his penis³.

As for the father, he is himself circumcised and considers his son's circumcision normal. It takes a tremendous courage and insight to say: "I have been damaged. My parents made a mistake. I won't pass this wound on to my son"⁴.

On the other hand, one should not minimize the euphoria accompanying the collective, notably religious, manifestations. This euphoria has an anesthetizing effect on parents and participants. Under its effect, priests and servants of the goddess Cybele emasculated themselves by their own hands. Today, at the Shiites, on occasion of Ashura, the solemn mourning commemorating the violent death of Husayn in 680, grandson of Muhammad, yearly processions take place during which men flog themselves with chains of iron and draw blood from their skulls. Christians in the Philippines crucify themselves on Holy Friday to look like Christ, hoping by this gesture to obtain graces in this life and in their afterlife.

It is likely that parents do not realize the child's pain during circumcision. They rarely see the operation when it is performed in a hospital. Circumcision is often performed in a separate operating room without the parents present. His screams do not reach the parents. If they think of it at all, they imagine a momentary trimming of a little piece of skin. Furthermore, a woman who has just given birth has been through a major physical and emotional upheaval. She usually has been through hours of challenging labour. Her mental and physical condition is medically compromised. A person overwhelmed by pain minimizes the pain of others⁵.

D) Boys' pain and girls' pain

Waris Dirie, a Somalian super-model, dedicated a whole chapter of her biography to describe female circumcision's horrible pain, of which she was a victim⁶. The press reports intolerable atrocities of this practice. Male circumcision is rarely shown under this horrify-

¹ Fletcher, p. 267.

² Maimonides: The Guide for the perplexed, section III, chapter 49. Complete text in part 2, chapter 1, section 2.3.

³ Romberg: Circumcision, p. 126-127.

⁴ Goodman: Jewish circumcision, p. 25.

⁵ Romberg: Circumcision, p. 125.

⁶ Dirie, chapter 4.

ing aspect by the press. Thus the media contributes to the feeling that there exists a clear difference between male and female circumcision in regards to pain and abuse.

In truth, pain does not depend on gender, but on the degree of circumcision and the mode of operation. If one observes or reads a description of *salkh* (which consists in removing all the skin of the penis, as practiced by some tribes in south Arabia and Africa), or of *subincision* (which consists in slitting open the urinary tube from the scrotum for a more or less longitudinal right angle axis to the glans, creating in this way an opening that looks like the female vagina, still performed by the Australian aborigines), the pain is evident. A simple circumcision operation can also be intolerable when the baby on the tray screams with all his strength and attempts to free his arms and legs. During the 4th International Symposium of 1994, I saw a movie of male circumcision in the United States. Many people plugged their ears and put their hands before their eyes. It was simply horrible, as if one attended a torture session. Swiss French Television showed some parts of this movie on January 7, 2001. Many people told me that they were horrified¹.

Even comparing the first type of male circumcision to the first type of female circumcision, one can note that the boy's pain is sometimes greater to girl's pain. It has to do with the extent of the part removed. Women from Oman, where about 90% are circumcised, affirmed to me that female circumcision in this country (where one removes only a part of the foreskin of the clitoris) is less painful than male circumcision. A circumcised girl plays with her friends two hours after the operation, but a circumcised boy remains in bed for a week. In the United Arab Emirates, where one cuts "a great part of the clitoris and the skin of the two small lips", Moza Ubayd Ghabbash, professor of sociology, writes: "It is known that girl's circumcision is simpler than boy's circumcision"².

Lightfoot-Klein wrote that she talked to a many women who described the experience as something horrible, something so agonizing that the memory of it will haunt them all their lives. However, other women told her with absolute finality: "It did not hurt. It was nothing." She asked a Sudanese psychiatrist: "I find this hard to believe. How would you say they arrive at this point psychologically? Do they successfully repress the pain? Do they deny it to me, an outsider? Or have they actually been able to process it in such a way - perhaps through self-hypnosis - so that they literally don't feel it?" The psychiatrist answered her:

The latter is most likely. The ceremony itself facilitates it. The preparation for festivities goes on for several days. The girl is the focus of attention. She is given many gifts. Also, she is never alone. Relatives and neighbours are with her constantly, supporting her. Her fears are minimized by this. When she is actually circumcised, she is again accompanied by relatives. She sees other girls who are going through the same experience, and she knows she is not alone³.

2) Reduction of pain

A) Majority of circumcisions performed without anaesthesia

Male circumcision is often done without anaesthesia. In the USA, in 1994, only 4% of obstetricians less than 34 years of age used an aesthetic for neonatal circumcision. Overall, the rate of aesthetic use was 14% among obstetricians, with 20% of female obstetricians using aesthetic⁴.

¹ Emission Mise-au-point of the French Swiss Television, first program, at 20 o'clock.

² Ghabbash, p. 190.

³ Lightfoot-Klein: Prisoners, p. 140-141.

⁴ Van Howe: Anaesthesia, p. 67.

This also applies to female circumcision. In an Egyptian investigation, 77% of the women declared that they were circumcised without anaesthesia¹.

Non-utilization of anaesthesia is owed to several factors: belief that circumcision is not painful in the newborn, indifference to another's pain, ignorance of anaesthesia for a newborn, and fear of consequences². It is necessary to mention the cost of anaesthesia. A specialized physician other than the surgeon according to custom administers it, and this means a reduction of profit in split fees. And it is not excluded that sadomasochism also plays a role³. It is necessary to add the religious reasons there.

B) Religious reasons behind non utilization of anaesthesia

One should expect a compassionate clergy because their holy books invite them to such an attitude. The Koran begins all chapters (except chapter 9) with the expression: "In the name of God, most gracious, most merciful". But in fact, the clergy contributes to propagate the myth that newborns do not feel pain and circumcision is not painful. They also assume if there is pain, it is part of the circumcision; for this reason one avoids using anaesthesia during circumcision.

Hoffman explains the position of rabbis concerning anaesthesia for circumcision. He writes:

Meir Arik of Galacia (died 1926) prohibits anaesthesia because he believes we should actually value the pain. In his view, children and converts to Judaism should put themselves in Abraham's position, experiencing what he did. It may even be that, in the divine calculus of reward and punishment, it is precisely the willingness to undergo pain that will be recompensed. Subsequent responsa deny the value of pain but generally prohibit anaesthesia anyway, sometimes because it is an innovation (innovations are generally regarded suspiciously by Orthodox authorities) It also may be that we value the child's actual involvement in the ceremony; he should know what is going on, not be shielded from it. Landes and Robbin take issue with Braver Moss's assumption that pain is necessarily bad. To begin with, if there is any pain at all, it is minimal in a child whose neural connections are not well developed. Besides, we regularly impose minor pain on our children for their own benefit, by immunizing them, for instance. Finally, they claim that the risks entailed in a dorsal penile block are sufficiently serious as to make us loath to use it⁴.

Many *mohels* and Jewish physicians who perform circumcision assume it is unnecessary to use anaesthesia. The physician-*mohel* Thomas Goldenberg writes:

It is my own belief that a local aesthetic is unnecessary, and that performing the procedure in a swift manner minimizes any adverse psychological impact on the child [...]. I believe that the measure of the infant's comfort is largely a function of time, and that the amount of crying and obvious displeasure on the part of the baby is directly proportional to the amount of time held in a restricted position⁵.

Henry Romberg, physician-*mohel*, writes:

There is some controversy [...] about the use of anaesthetics during a *bris* [Jewish circumcision]. Certainly it is never used on an infant, nor is there any justification whatsoever for its use in such a case. Anyone observing a ritual circumcision skilfully done on

¹ Ibid., p. 67.

² Ibid., p. 86-88.

³ See part 4, chapter 7.4.

⁴ Hoffman, p. 217.

⁵ Barth: Berit mila, p. 202.

an eight-day-old child cannot fail to observe how little pain the infant must endure. The child cries more when he is being held, not when the foreskin is being incised. As soon as the infant's legs are released and a drop of wine or milk touches his lips, the crying usually stops. The infant is frequently cranky the first night after the bris, but probably from the irritation of the bandaging rather than from pain. It has been my experience that the procedure is generally painless up to at least four or five months of age¹.

This physician adds that he doesn't hesitate to use anaesthesia when circumcision is performed on an older child or on an adult since Jewish religious norms permit it².

I did not find Muslim writings that limit the use of anaesthesia in male or female circumcision for religious reasons, but one often hears that their pain is a useful test of endurance.

C) Anaesthesia delays the abolition of circumcision

Utilization of anaesthesia in male circumcision creates problems for its United States opponents. They fear utilization will only delay its abolition, as it will silence critics based on its painful aspect. Discovery of anaesthesia around the middle of the 19th century increased the number of surgical operations, including circumcision. Instead of searching for a medical solution to sicknesses, physicians had easy recourse to the scalpel. Pain no longer presented a barrier to surgical abuses³.

One found this same dilemma in the struggle against slavery. Some Whites, instead of abolishing it, extolled treating slaves appropriately. Anaesthesia suppresses the child's pain at the time of the operation, but it does not have an effect on the pain after the operation nor on the mutilation itself, whose consequences affect the child all his life. After all, the introduction of anaesthesia could be more useful for the physician than for the child. When he uses it, the physician doesn't hear the child's screaming anymore, and he has more facility to convince the parents to consent.

One opponent to male circumcision says that everyone has to follow his heart, find the areas of activism that call him, and ways of working that he enjoys. By following the *right* way, the way that his own heart and mind lead, one will have more energy and clarity for the work. We have a limited amount of time and life energy, and we must choose where we put our efforts. If we put our efforts into reforming pain management of circumcision, it is important to make sure that this is a first step toward abolition. We must say this loud and clear and keep saying it. Otherwise, our efforts may have the unintentional effect of causing parents and the public to become acquiescent on the issue again⁴.

Nurses for the Rights of the Child has fought for anaesthesia during circumcision. Introduction of anaesthesia is considered a first step in the struggle to abolish circumcision. Circumcisers must first recognize that un-anesthetized circumcision is torture before they can recognize that circumcision is a human rights violation⁵.

Some estimate however that it is better to fight to delay the operation as much as possible because using anaesthesia on newborns includes risks. Some categories of anaesthesia are forbidden on children⁶. If the child is older they can then use stronger anaesthetics to more effectively reduce the pain. The opponents hope that delaying circumcision would reinforce

¹ Romberg: *Bris Milah*, p. 61-62.

² *Ibid.*, p. 62.

³ Romberg: *Circumcision*, p. 99-100.

⁴ Boyd, p. 116-117.

⁵ Conant; Sperlich: *Nurses*, p. 187.

⁶ Van Howe: *Anaesthesia*, p. 73-85.

the affection between the child and parents and therefore make them more reticent to agree to a circumcision as said Maimonides¹.

The same problem occurs with female circumcision. An Egyptian author says that opponents to this practice could change their opinion if they gave anaesthesia to the girl before circumcising her as one does with all surgical operations². But, as we will see in the legal debate, the UN, WHO and NGOS that fight against this practice reject all medical input and, therefore, all utilization of anaesthesia. One fears indeed that the use of anaesthesia will perpetuate the practice and deprives opponents of a major argument, the one of the pain that it provokes. Some think that anaesthesia would help, in addition to pain reduction, to avoid complications owed to resisting movements of the girl. But others think that when anaesthesia is used, more tissue is apt to be cut away, as the child tends to struggle less³.

Chapter 4.

Health damages of circumcision

Male and female circumcisions are amputations of healthy body organs, depriving them of their natural functions and exposing the victim to the same complications as any other surgical procedures. For this reason, circumcision should be performed only when its advantages are superior to its disadvantages. However, significant damages resulting from circumcision are often ignored.

1) Trivialization and negation of circumcision's damages

Trivialization, or even the total negation, of male and female circumcision's damages is due to three factors.

A) Religious reasons

If circumcision is a divine order, it is difficult to think that circumcision can damage the one who undergoes it. It would mean doubting the justice of God and risking becoming an outcast, sometimes with serious social consequences.

Dr. Shimon Glick, president of the Center of Medical Education of the University of Ben-Gurion in Israel, sent me a 1994 article by Kreiss and Hopkins concerning circumcision and the prevention of AIDS. He attached to the article a small hand-written note that said: "For your interest and that of your colleagues. If God commands an action, it cannot be harmful!"

Victor Schonfeld's 1995 film *It's a Boy*, distributed by British television, showed a Jewish child in intensive care following his circumcision. Dr. Morris Sifman, medical officer of the *Initiation society*, an organization that trains *mohels*, stated:

If it would be found that circumcision is positively harmful, perhaps we would think again. But I have no doubt - I have not the slightest doubt - that this will never happen, because a commandment given by God is a good commandment⁴.

One *mohel* writes:

Considering that the [ritual circumcision] is performed by *mohels* from all sorts of backgrounds [...], it is truly wondrous that infection is almost never seen. The tradition-

¹ Ibid., p. 88-90.

² Salim: *Dalil al-hayran*, p. 56.

³ Lightfoot-Klein: *Prisoners*, p. 36.

⁴ *It's a boy*, film by Victor Schonfeld, 1995, Broadcast Channel 4 TV, 21 Sept 1995; Price: *Male non-therapeutic circumcision*, p. 432.

al answer might be that God protects those who faithfully perform His *mitzvos*, and I am sure this is true. A medical man, however, might add that the site of the *milah* is so well supplied with blood vessels - that is, the circulation is so good - that it is almost impossible for an infection to get started¹.

B) Ignorance of the link between damage and circumcision

The following is written in a report by a group of technical workers of the WHO in 1995 about female circumcision:

Many women appear to be unaware of the relation between female genital mutilation and its health consequences, in particular the complications affecting sexual intercourse and childhood which occur many years after mutilation has taken place. Moreover, in many cases, women have been conditioned socially to accept the practice and the pain it causes. However, traditional practitioners are often aware of the health problems of female genital mutilation and may perpetuate various myths to make women believe that these are normal. In Sierra Leone, for example, they know that the scar tissue will not usually yield for the first child and therefore promote the belief that it is usual to lose this child at birth².

Harmful consequences of female circumcision are often attributed to supernatural causes. So in Benin, when cases of haemorrhage are registered and the person is unconscious, the oracle is consulted to determine the cause. It is usually believed that this happens because a sacrifice to a fetish or a sacred place was not carried out, or was badly done. In case of death, the circumciser disclaims responsibility, advancing obscure reasons for the death. She might say that this only happens to girls born out of adultery, thus who are illegitimate, or whose parents, grandparents or somebody else in the family committed a serious fault; in that case, a member of the family has to be sacrificed³.

The same phenomenon occurs with male circumcision with Arab-Muslim's. They assign complications to destiny and divine will. For this reason, one rarely sues the physician or the circumciser. Such an action would mean a revolt against God's will. In addition, a pursuit can only create a more inextricable situation.

An African researcher indicates that belief in double causality is widespread in Africa and is usually dismissed by Westerners as superstition because it seeks explanations beyond the scientific causal chain. In traditional African worldview the fact that a child dies of malaria because a mosquito bit him does not explain why of all the children playing in the courtyard, anopheles chose to bite this particular child⁴.

It is not necessary to believe however that only the African or Muslim countries are misguided on the real reasons of the damages of circumcision. Many American physicians have been misguided in this field.

Psychiatrists could conclude from the two aforesaid reasons that the mutilation caused by circumcision doesn't limit itself to the body, but also extends to the brain. Some assume circumcision, like all mutilations, has neurochemical consequences affecting normal brain function. We will return to this question in the social debate.

¹ Romberg: Bris Milah, p. 94.

² Female genital mutilation, report, p. 9.

³ Bulletin of the Inter-African committee, no 14, July 1993, p. 11-12. See also Hosken: The Hosken report, p. 326, 327; Kilanowski, p. 166.

⁴ Tangwa, p. 187.

C) Absence of comparison means

The difficulty in associating damages with male and female circumcision sometimes ensues because one lacks a means of comparison in societies where circumcision is exercised extensively.

Lightfoot-Klein says that in asking women what complications they had suffered as a result of their circumcision, she frequently received the answer that there had been none. Women generally were not able to ascribe their frequent health problems to circumcision, due to ignorance of a cause and effect relationship between the two. Another source of confusion was the definition of what was normal. For example, when she asked whether there had been any problem with urination as a result of tight infibulation she was frequently told that everything had been normal. Then she changed the question to "How many minutes did it take you to urinate?" This resulted in the discovery that anything up to 15 minutes was considered to be completely normal. Besides that, the time required for initial full penetration was 2 to 12 weeks in Pharaonic circumcision, 2 to 5 weeks for the intermediate type, and 3 to 7 days for the *sunnah* type¹.

To efficiently fight against male and female circumcision, the first difficulty to surmount is showing victims the damages they have unknowingly endured². But such discovery of their damage is not without danger to them. Favazza reported the case of a Sudanese woman who, after she came to the United States and listened over coffee to the American wives of students discuss their orgasms, became curious. She read books about sexuality and watched soap operas on television. Thus she came to learn that she would never experience an event so highly prized throughout the world. Feeling cheated, she became demoralized and finally developed clinical depression³. If this woman had remained home, she would never have suffered among women who are all infibulated and who consider this situation normal. At least one hopes that such discovery by the victims of male and female circumcision will help stop perpetuating this practice on children⁴.

2) Health damages of male circumcision

A) Difference in perception between proponents and opponents

Circumcision has deadly risks. Rabbis know these risks but insist on its necessity to satisfy religious ritual.

The Talmud does not prohibit circumcision unless two (and three for a rabbi) maternal brothers or nephews died from circumcision⁵. One reason is haemophilia. The Talmud reports that R. Nathan dealt with two cases of women who had lost three sons. They brought before him the fourth son. Seeing he was ruddy he advised waiting until the blood is absorbed. He then circumcised the child and he survived. They named him Nathan in honour of the rabbi⁶. This rule is still in force among Jews and results in tragedies⁷. Al-Nazawi (d. 1162) mentions the dispensation to circumcise a child who belongs to a group known to die following circumcision⁸.

¹ Lightfoot-Klein: Prisoners, p. 22-23, 59.

² Gallo: La circoncisione femminile in Somalia, p. 158.

³ Favazza, p. IX-X.

⁴ See part 4, chapter 11.5.

⁵ Barth: Berit mila, p. 164.

⁶ The Talmud of Babylonia, (Shabbat 15:8E), vol. II.E, p. 47.

⁷ Lewis: In the name of humanity, p. 87-99.

⁸ Al-Nazawi, vol. 2, p. 44.

Al-Jahidh (d. 868) described some complications that ensued because of circumcision in his time, notably when it is performed in periods of very hot or cold weather¹. In the books of classic Muslim jurists there are numerous references to deaths and deformities resulting from circumcision and the legal consequences they generated. The surgeon Al-Zahrawi indicates methods to treat such complications².

One can say therefore that damages resulting from the circumcision were known since the ancient times. But with the decrease of religiosity, the Jews began in the 19th century to refuse to assume them in the name of the religion. Proponents decided to minimize the perception of these damages. Arab physicians often refer to Western authors to prove that circumcision is a good operation and not harmful since it is ordered by God.

Basing himself mainly on Wiswell's figures, one of the biggest American propagandists in favour of mass male circumcision, Dr. Pasha writes:

Complications of male circumcision are very rare. A survey of 100,000 circumcised children demonstrates that the rate of these complications doesn't exceed 2/1000. These complications limit themselves to haemorrhages very simple to cure, or to minor infections. On two million circumcised children, there was only one death assigned to a circumcision made at home by an ordinary person. Such figures are insignificant if one compares them with 225 to 317 cases of death caused annually by cancer of the penis. Such deaths would be avoided by coming back to the law of the nature that God established, i.e. the circumcision³.

Opponents of male circumcision in the United States retort that there are no reliable statistics regarding the complications of circumcision, nor are there established criteria to determine the complication rate, even though circumcision is the most common operation in their country. Such an abyss opens the way to contradictory speculations. In 1978, one author estimated that the medical complications rise to 1% whereas Rosemary Romberg estimates that the rate is 5 to 10%⁴.

I put the question to an American physician, Denniston, at the Fourth International Symposium that took place in Lausanne in 1996. He answered that the rate of circumcision complications is 100%. He explained that when the surgeon intervenes, it is to take care of a disease or injury. However, in circumcision, the physician is amputating a healthy organ, suppressing normal function. Therefore, circumcision constitutes a medical damage that the physician inflicts on a healthy person, and is not a solution to any problem. He wrote in the symposium's book:

Actually, the true long-term complication rate of circumcision is 100%. The artificially exposed glans penis thickens and hardens. The urinary opening usually ulcerates and contracts, becoming incapable of normal closure. The edges of the circumcision wound will adhere to the glans or form an unsightly scar on the shaft of the penis. The potential amount of tissue lost from the adult penis with infant circumcision is a greater percentage of the total genital surface area than that removed with female circumcision⁵.

Denniston affirms that 229 babies die each year as a result of the complications of male circumcision in the United States and that 1 in 500 suffers serious complications requiring

¹ Al-Jahidh, vol. 7, p. 25-27.

² Albucasis, p. 401.

³ Pasha, p. 64-65. He quotes: Wiswell: Routine neonatal circumcision; Wiswell (et al.): Risks from circumcision; Warner and Strashin: Benefits and risks of circumcision; American academy of pediatrics, report of the Task force on circumcision, Pediatrics, 1989. See also Al-Bar: Al-khitan, p. 107-109; Al-Qaidir, p. 100.

⁴ Romberg: Circumcision, p. 198.

⁵ Denniston: Circumcision: an iatrogenic epidemic, p. 106.

emergency medical attention. Even when there are no officially recognized complications, the survivors are left with semi-functional, scarred, and desensitized sex organs. Sexual mutilations to any degree, to any gender, wherever they occur, and for whatever reason, are always prejudicial to the health of the individual¹. Elsewhere, he adds that there are 2,000 completely unnecessary, significant medical complications occurring each year in the United States due to male circumcision².

One can say therefore that reliable figures on complications do not exist. Hospitals and physicians do not have an interest in bringing attention to these complications for evident reasons. These complications can immediately occur after the operation, or in months or years that follow the operation. It is therefore difficult in this case to see the link between the operation and the complications. NOCIRC reports the case of a nine year-old child who was born in a hospital in 1986. He was a healthy and normal baby. The next day, a physician circumcised him. His parents brought him back some days later to the emergency room of the hospital because he was vomiting and was fussy and the circumcision site was red and swollen. Late in the evening of the next day, he suffered a prolonged seizure and was transferred to the hospital's neonatal intensive care unit. Today, he is severely brain damaged. He cannot walk or care for himself in any respect. Significant and important portions of the child's medical records are missing. Attorneys for his parents offered a \$10,000 reward for those who could help them find these records³.

Complications depend on different methods used. Without an antibiotic or medicine, the smallest infection can lead to death. In one study of male circumcision in the Xhosa tribe of Southern Africa, 9% of the children died, 52% lost all or most of their penile shaft skin, 14 developed severe infectious lesions, 10 lost their glans penis, and 5% lost their entire penis⁴.

B) List of damages

To determine the damages resulting from male circumcision, it is necessary to refer to its opponents' writings⁵. Neither the proponents of male circumcision nor the WHO have an interest in establishing such a list. We limit here to the most frequent physical damages and send the reader to the following chapters concerning sexual and psychological damages. Additionally, we only treat the first and second type of male circumcision performed generally by monotheistic communities. We leave aside *salkh* (which consists in removing all the penile skin, as practiced by some tribes in south Arabia and Africa), and *subincision* (which consists in slitting open the urinary tube from the scrotum to the glans, creating an opening that looks like the female vagina, still performed by Australian aborigines).

Haemorrhage

It is thought that serious haemorrhage occurs in at least 2% of circumcision operations because of the many veins crossing the penis. Bleeding from the frenular artery can be a risk. If undetected for only a moderately short time it can be fatal. A three-kilogram infant (6.6 pounds) has a total blood volume of roughly eight ounces, a drinking glass capacity. The child can either die or be exposed to shock.

¹ Denniston; Milos (editors): Sexual mutilations, preface, p. V-VI.

² Denniston: Circumcision: an iatrogenic epidemic, p. 106.

³ NOCIRC Newsletter, Fall/Winter 1995.

⁴ Denniston; Milos (editors): Sexual mutilations, preface, p. V-VI. See also Crowley; Kesner, p. 318-319; Bodily integrity for both.

⁵ Besides the sources quoted in the text, we refer to: Romberg: Circumcision, p. 199-231; Ritter, p. 5-2/5-6; Warren: NORM UK, p. 93; Zwang: Functional and erotic consequences, p. 73-74; Cold; Taylor: The prepuce, p. 41.

Some children are affected by hereditary haemophilia, making it difficult to stop haemorrhaging. To avoid such a possibility, devices have been invented that press veins and prevent bleeding. Orthodox rabbis are opposed to such devices because bleeding is a condition of validity in circumcision. But danger persists with such devices. For this reason it is advised before performing the circumcision to question the parents of the child to know if they have haemophilia. The danger of haemorrhage is much larger when the foreskin is not detached from the glans, which is the case in the majority of children when young. The forcible separation of the foreskin from the glans provokes a tearing and a haemorrhage. Vitamin K responsible for the blood coagulation is not sufficiently constituted in the child's body before the age of 15 days. Therefore, it is misguided to perform the circumcision before this age or before the natural separation of the foreskin from the glans. To compensate for the lack of vitamin K, physicians inject it into the child before the operation.

Infection of the injury

The injury caused by circumcision may be exposed to urine and faeces, provoking infection, ulceration of the opening of the urethra and its stricture. An operation may be necessary to widen the opening. The infection is accompanied by fever, pus and swelling. Without antibiotics, the infection can lead to numerous sicknesses as tetanus, gangrene, meningitis, diphtheria, infection of bones, septicaemia, etc.

Retention of Plastibell Ring

If a Plastibell device is used to circumcise, the remaining foreskin should dry up and fall off with the ring within about 10 days after placement. Sometimes the ring fails to fall off and becomes buried under the skin along the shaft of the penis. A surgical operation is required to remove it, which leaves undesirable cosmetic results in the form of a permanent ridge or groove along the shaft of the penis.

Urinary retention

This can be caused by the trauma of the operation, from surgical dressings, from pain associated with attempts to urinate, or from mechanical devices, specifically the Plastibell. A urinary retention, which is not cured, can lead to a renal disease.

Necrosis of the glans

Necrosis refers to the death of body tissue. This may happen to the glans following circumcision due to an overly tight bandage or a Plastibell ring that is too small.

Injury and loss of glans

Occasionally the glans can be injured or entirely cut off during circumcision. To avoid such incident there are different devices that protect the glans.

Excessive penile skin loss

Any loss of skin on the penis is an irretrievable loss. But the damage can vary according to the quantity of amputated skin. So some circumcisers pull the skin and cut as much as they can. This may result in penile bowing and pain at the time of erection. Skin grafting may be needed to correct the excessive skin loss.

Penis concealed

The penile shaft, following circumcision, may retreat into the surrounding skin and fatty area and cannot be seen. This problem must be corrected by surgery, and often skin grafting, to produce a somewhat normal looking penis.

Urethral fistula

A urethral fistula is a hole going from the side of the male urethra to the outside of the penis. It may result either from accidental crushing of the urethra by the circumcision

clamp, or from a stitch placed in the underside of the penis to control excessive bleeding at the site of the frenulum.

Phimosis

Phimosis refers to a condition in which the foreskin cannot be retracted. Proponents of circumcision often invoke phimosis as a justification¹. This pathological condition cannot exist before a certain age, as we will see later. But when only a segment of the foreskin is removed, the remaining tip of the foreskin becomes tight and non-retractable, and despite the circumcision, the glans still cannot be seen. A re-operation may be necessary to widen the skin.

Meatal ulceration

The foreskin protects the child's glans. When the circumcision removes the foreskin, the glans is denuded and exposed directly to urine soaked diapers. This may provoke ulceration of the opening of the urethra and its infection. It is estimated that meatal ulceration occurs in 50% of all circumcised infants. Meatal ulceration does not occur in the normal infant penis.

Undetected hypospadias

Some children have a congenital deformity in which a fistula occurs on the underside of the penis, called hypospadias. This deformity is corrected by plastic surgery, generally resorting to the available foreskin. If one circumcises without noticing the existence of this deformity, the physician loses precious skin and must resort to more complicated types of skin grafts to close the fistula.

Danger of anaesthesia

We send the reader back to what we said before concerning the danger of anaesthesia in children.

Strangling of the glans by hairs

Medical reports have described cases of small boys who have, either accidentally or intentionally, had strands of hair tightly wrapped around their coronal sulcus. This is an indirect complication of circumcision that denudes the glans and deprives it of its prepuce protection.

External deformity of the penis

The healing of the circumcision wound is not always very pretty. It may result in an unpleasant external aspect, or even a cyst or keloid. Cosmetic operations may be needed to repair the deformity.

Loss of the penis

After death, this is the ultimate tragic complication. It can be caused by mishandling of the circumcision, as a result of an infection, or by a burn from electrocautery. In some cases enough penile shaft remained so that after extensive operations a functional penis could be reconstructed. In other cases the child has been surgically made into a girl.

March 24, 1997, *Time magazine* reported the case of a boy whose penis, in 1963, was damaged beyond repair by a circumcision that went awry. After seeking expert advice at Johns Hopkins Medical School, the parents decided that the child's best shot at a normal life was as an anatomically correct woman. The baby was castrated, and surgeons fashioned a kind of vagina out of the remaining tissue, and changed his name from John to Joan. It was an application of the theory that prevailed that time according to which babies are born gender

¹ See part 3, chapter 6, section 3.4.

neutral and that sexual identity is determined by nurture. Widely cited in medical and social science textbooks, the baby's transformation helped paediatricians confidently advise other parent facing similar circumstances to rear their wounded boys as girls. But in fact this sex-change success story was a total failure. Joan never really adjusted to her assigned gender. She rebelled at her treatment. Even as a toddler, she felt different. When her mother clothed her in frilly dresses, she would try to rip them off. She preferred to play with boys and stereotypical boys' toys. By second grade, she had come to suspect she would fit in better as a boy. But her doctors insisted that these feelings were perfectly normal, that she was just a tomboy. In 1997, when she was 14, Joan decided she had only two options: either commit suicide or live her life as a male. Finally, in a tearful confrontation, her father told her the true story of her birth and sex change. With the support of a new set of doctors, Joan underwent a pair of operations to reconstruct a penis – albeit a diminutive one without the sensitivity of a normal sex organ. She reclaimed her original name, John¹.

Egyptian Dr. Rushdi Ammar reported that in 1959 doctors could not distinguish the sex of a boy and removed his penis thinking that it was a clitoris. But after examination, they discovered he was a boy².

Death

Circumcision can lead to the child's death under the effect of anaesthesia or because of infection. Usually these deaths are attributed to another reason than the circumcision. According to Denniston, all death that takes place in the ten days that follows the circumcision must be suspected³.

Complications of Jewish circumcision

In addition of the aforesaid complications, Jewish circumcision represents a particular complication due to the *mezizah*, a procedure in which the *mohel* sucks the child's penis after having circumcised him. This procedure gave place to infections and epidemics among the Jews⁴. It is necessary to add the fact that Jews circumcise on the eighth day. However, on this age, the foreskin is generally not separated from the glans. Before circumcising the baby, it is necessary to tear the foreskin, provoking therefore a supplementary risk of haemorrhage.

Because of all these complications, physicians opposed to male circumcision recommend not to perform it on a newborn and to let him grow to decide himself about the operation. And if external genital tissue must be excised to combat a disease process that threatens the child's health, and is unresponsive to medical therapy, then the quantity of tissue should be limited so as to preserve the anatomy and function of the external genitalia. All genital tissue excised from children should be microscopically examined to confirm the clinical opinion of the disease⁵.

3) Health damages of female circumcision

A) Damages between Proponents and opponents

Classic Muslim jurists only speak of complications intervening in male circumcision. Ibn-Hazm (d. 1064) reports the legal consequences of the ablation of the skin of the pubis, the clitoris or the lips⁶. But it is not clear if these ablations are the result of the female's cir-

¹ Time, 24.3.1997, p. 93.

² Ammar, p. 50.

³ Denniston: Circumcision: an iatrogenic epidemic, p. 106.

⁴ See part 2, chapter 1, section 4, sub-section 1.3.B.

⁵ Cold; Taylor: The prepuce, p. 42.

⁶ Ibn-Hazm, vol. 10, p. 458.

cumcision. On the other hand, Nafzawi (d. 1324) indicates among names given to the vagina there is one termed "armoured vagina". He defines it as being the congenitally narrow vagina or a condition following an unsuccessful circumcision where the two wounded lips form a thick scar that closes the vagina. To make the vagina accessible, it is necessary to open it by the scalpel¹.

Today, proponents of female circumcision try, as do the proponents of male circumcision, to minimize or to deny the physical damages of this practice. So Najahi Ali Ibrahim, of the law Faculty of Al-Azhar, writes:

All the people nowadays worry about female circumcision [...] to the point that they begin to doubt in what they inherited from past generations. They begin to speak about this practice as they can do without it since they don't endure illnesses assigned to it: haemorrhage, barrenness, infection of the urethra, retention of urine, retention of the menstrual blood, urinary fistula, and other illnesses and risks that didn't affect their forebears in the past.

The life of the people was steady and normal. But by reason of this doubt, people became perplexed and didn't know how they could have lived all this long period while exercising this mistake without anyone coming to counsel them [...]. Was there no one reasonable men among them to inform them about the dangers and illnesses attributable to this practice²?

However, this author distinguishes between the female circumcision performed in conformity with the *sunnah* of Muhammad, and the other types of female circumcisions. He proposes that the confusion one makes between these types aims to discredit Islam, as did CNN while distributing a movie on a "barbaric operation" performed on an Egyptian girl called Najla³.

Robert Cook, the expert at the regional office of the WHO in Alexandria, had distinguished in his report of September 30, 1976 between the different types of female circumcision: the circumcision proper, the excision, and infibulation. He exposed only the damages resulting from this last type. As for the first type, the "circumcision proper", which consists in "the circumferential excision of the clitoral prepuce, analogous to male circumcision", Cook says, "it has not been reported to have any adverse health consequences". Therefore, his study is not concerned at all with it. He adds that this type is "also sometimes practiced in the United States to counter failure to attain orgasm on the part of the woman associated with redundancy or phimosis of the female prepuce". He quotes two American physicians: Rathmann and Wollman⁴. According to Cook this last type is not harmful, and could be even useful. Today the WHO condemns all types of the female circumcision and rejects this concept⁵.

As with male circumcision, there are no reliable official statistics relative to health damages caused by the different types of female circumcision. Asma El-Dareer estimates that 84,5% of the cases of circumcisions requiring medical care are not declared⁶. Koso-Thomas affirms that 83% of all females undergoing circumcision in Sierra Leone are likely to be affected by some condition requiring medical attention some time during their life. And in several communities in that country without modern medical facilities, emergencies

¹ Nefzaoui, p. 302.

² Ibrahim: Al-khitān, p. 7-8. See also p. 11.

³ Ibid., p. 17.

⁴ Cook, p. 54.

⁵ See part 5, chapter 2.1 and chapter 7.3.

⁶ See part 5, chapter 2.1 and chapter 7.3.

arising from circumcision cannot be treated. In such circumstances a child developing uncontrolled bleeding or infection after circumcision may die within hours of the operation¹.

As for male circumcision, complications depend on the modes of operation. In default of antibiotic and medicine, the least infection can lead to the worse.

B) List of damages

In order to determine damages that result from female circumcision, it is necessary to refer to writings of opponents, including those published by the WHO². Proponents of female circumcision do not have an interest to establish such a list. It is necessary also to recall that opponents to female circumcision do not mention the damages resulting from male circumcision. On the contrary, they try to disguise it, or even to consider it beneficial. As we did for male circumcision, we limit here to the most frequent physical damages and send the reader to the following chapters concerning sexual and psychological damages.

Haemorrhage

Female circumcision provokes haemorrhage and can cause the same problems as in male circumcision.

Injury to neighbouring organs

During the circumcision, the girl is agitated because of the pain and fear, making concentration on the organ to amputate difficult. This situation can cause injury to the urethra, vagina, perineum or rectum and can lead to the formation of fistulae through which urine or faeces will leak continuously. It has also happened that the bones of the legs or the arms are fractured because of the pressure applied on the girl to keep her quiet.

Urinary difficulties

The girl feels great pain when urine touches the injury. The fear of this pain can drive to urine retention. Retention can also result in the inflammation of the amputated parts. This also provokes great pain and helps to increase microbes in the bladder's accumulated urine. This infectious condition can then reach the urethra and kidneys.

Infections

The injury in a so exposed and positioned organ is susceptible to infections because it is near the opening of the urethra and rectum as well as because of utilizing contaminated instruments or materials. If these infections are not properly addressed, they can provoke numerous illnesses as tetanus, gangrene, meningitis, diphtheria, bone infections, septicæmia, etc.

Deformity

The injury heals allowing fibrous tissue to form and painful cysts to develop. Notably, they manifest mostly at the time of sexual intercourse. Sometimes the flesh is not cut in an equal manner, requiring a plastic surgical intervention. The injury can also close the vagina's opening as if it was infibulated.

Barrenness

Infections can spread to the vagina and plug the fallopian tubules causing infertility. One estimates that 20 to 25% of barrenness in Sudan is caused by female circumcision. When

¹ Koso-Thomas: The circumcision, p. 29.

² Besides the sources quoted in the text, we refer to: Al-mumarasat al-taqlidiyyah, p. 18-21; Abd-al-Salam: Al-tashwih al-jinsi, p. 14-18; Abd-al-Salam; Hilmi, p. 74-78; Rizq, p. 26-31; Mahran, p. 58-64; Sanderson, p. 40; Lightfoot-Klein: Prisoners, p. 57-60; Zwang: Functional and erotic consequences, p. 67-68; Toubia; Izett: Female genital mutilation, an overview, p. 25-36; Kalthegener; Ruby: Zara Yacoub, p. 85.

the woman is infibulated, the husband can provoke a marginal opening for sexual intercourse thinking that it is the vagina. The intervention of the surgeon is then necessary to effectuate the normal opening so the woman may become pregnant.

Difficulty of delivery

Scared vaginal tissue does not present the same elasticity that normal tissue does. It is then necessary to widen the vagina by cutting the perineum in order to allow the child's head to pass. If the head remains stuck a long time, the child can either die or be born anomalous by reason of the lack of oxygen. When the child's head is stuck during a long time, a fistula can form between the mother's bladder and vagina and provoke permanent urinary incontinence.

Lesion of glands of Bartholin

These glands secrete the substance that lubricates the vagina for sexual intercourse. In female circumcision, they can be injured and become infected by reason of their being closed by the scar.

Menstrual difficulties

Menstrual difficulties can be the result of the initial shock that repeats every period. They can also come from infections and accumulation of blood.

Death

Female circumcision can lead to the girl's death because of haemorrhage, infections or anaesthesia. There are no statistics in this domain. Lightfoot-Klein estimates that between 10 to 30% of the girls in Sudan die because of circumcision. This would explain, according to her, the exorbitant bride price or dowry required of a man before he is able to marry. Many Sudanese bachelors complain about the price¹. Thiam estimates that 5 to 6% of the yearly deaths of the female population in the community of the Afars and the Issas are due to female circumcisions. The main reason of their death is that veins and arteries that healed after the circumcision often explode at the time of delivery, opening in such a way that promotes strong haemorrhage, to which sometimes women succumb².

Complications of infibulation

In addition of the aforesaid complications, infibulation renders particular complications.

- Formation of calculus behind the scars.
- Difficulties in examining the genitalia because of their closing.
- Accumulation of blood and urine behind scars and their subsequent infection. This increases the risks of the barrenness. Some bad odours can emanate of it, and menstrual periods can last about ten days, preventing the woman from going to school and work.
- Difficulty childbirth.

4) Feelings of entrapment

There is a new theory that attempts to prove that the damage doesn't consist in the circumcision itself, but in circumstances surrounding it. One noticed deterioration in the health of animals and men put in situations they could not escape, and where they feel menaced. Dogs and rats became sick and suffered from stomach ulcers, weight loss, or a rise in blood pressure – after receiving a series of electric shocks. It was not the electric shocks that made the animals ill, but the submissive state the animals were in at the time they received the shocks. Their health, however, was not endangered if they had the opportunity to fight

¹ Lightfoot-Klein: Prisoners, p. 56.

² Thiam, p. 103.

with another animal in the cage or if they had a means of exit, even though all of the groups studied received the same number of electric shocks. The same phenomenon is observable in tortured prisoners. The deterioration of their health is often not the direct consequences of their injuries, but rather the consequences of their forced state of submission when they were tortured. Whenever there is the feeling of being trapped by circumstances, health is endangered. When we have lost all hope and have given up, a self-destructive process starts¹.

Chapter 5.

Sexual damages from circumcision

Man has a right to sexual pleasure for his physical and psychological equilibrium as much as he has right to food and sleep. Sexual pleasure is one objective in marriage. The amputation of a part of the tongue reduces the sense of taste and gustatory pleasure. In the same way the amputation of a part of the sexual organ reduces sexual pleasure. If a person does not reach pleasure naturally, he looks for non-natural means, as drugs, anomalous sexual behaviour, and recourse to other sexual partners, with troublesome consequences to marital life. This will be explained in this chapter.

1) Male circumcision and sexual pleasure

A) Ancients saw in it a means to reduce pleasure

Jewish religious authorities saw male circumcision as a means to reduce sexual pleasure of the man and his partner. They sustain this practice because of a negative perception of sexuality. Philo (d. 54) wrote that circumcision's first goal is:

Excision of pleasure bewitches the mind. For since among the love-lures of pleasures the palm is held by the mating of man and woman, the legislators thought good to dock the organ which ministers to such intercourse, thus making circumcision the figure of the excision of excessive and superfluous pleasure, not only of one pleasure but of all the other pleasures signified by one, and that are the most imperious².

Elsewhere, he said:

The divine legislator ordained circumcision for males alone for many reasons. The first of these is that the male has more pleasures in, and desire for, mating than does the female, and he is more ready for it. Therefore He rightly leaves out the female, and suppresses the undue impulses of the male by the sign of circumcision³.

Maimonides (d. 1204) wrote:

As regards circumcision, I think that one of its objects is to limit sexual intercourse, and to weaken the organ of generation as far as possible, and thus cause man to be moderate. Some people believe that circumcision is to remove a defect in man's formation; but everyone can easily reply: How can products of nature be deficient so as to require external completion, especially as the use of the foreskin to that organ is evident. This commandment has not been enjoined as a complement to a deficient physical creation, but as a means for perfecting man's moral shortcomings. The bodily injury caused to that organ is exactly that which is desired; it does not interrupt any vital function, nor does it destroy the power of generation. Circumcision simply counteracts excessive

¹ Odent, p. 121-124.

² Philo: The special laws, Book I, II.

³ Philo: Questions and answers on Genesis, Book III, 47.

lust; for there is no doubt that circumcision weakens the power of sexual excitement, and sometimes lessens the natural enjoyment; the organ necessarily becomes weak when it loses blood and is deprived of its covering from the beginning. Our Sages (Beresh Rabba, c. 80) say distinctly: It is hard for a woman, with whom an uncircumcised had sexual intercourse, to separate from him. This is, as I believe, the best reason for the commandment concerning circumcision. And who was the first to perform this commandment? Abraham, our father of whom it is well known how he feared sin¹.

He further adds:

We must keep in everything the golden mean; we must not be excessive in love, but must not suppress it entirely; for the Law commands: "Be fruitful, and multiply" (Gn 1:22). The organ is weakened by circumcision, but not destroyed by the operation. The natural faculty is left in full force, but is guarded against excess².

Rabbi Isaac Ben Yediah, who lived in Provence during the 13th century, asserted that uncircumcised man is filled with lust. Women are attracted to him specifically because he is uncircumcised: "He thrusts inside her a long time because of the foreskin, which is a barrier against ejaculation in intercourse". She finds such a pleasure in him that they copulate constantly. As a result of this continuing lust, the man wastes away. He is "unable to see the light of the King's (God's) face, because the eyes of his intellect are plastered over by women". By contrast, the Jewish man has intercourse with his wife and ejaculates quickly because of his circumcision. The woman gains little pleasure from such encounters. "It would have been better for her if he had not known her and not drawn her near, for he arouses her passion to no avail". She has an orgasm only once a year. The advantage to the male is that he can concentrate all of his efforts on studying of Torah, rather than "empty his brain" on sexual matters³.

The Coptic theologian Ibn-al-Assal saw utility in circumcision: "Some physicians and distinguished philosophers say that circumcision weakens the tool of pleasure, and this is unanimously desirable"⁴. The reference here is to Maimonides certainly, who died in Cairo in 1204. Thomas Aquinas (d. 1274) refers to Maimonides also while writing that circumcision is a means "to weaken the concupiscence in the interested organ"⁵. He justifies the fact that God established the sign of the alliance on the penis and not on the head by the fact that circumcision "had for goal to decrease the carnal lust, that especially resides in these organs, because of the intensity of the carnal gusto"⁶.

One finds this same idea with classic Muslim jurists. Ibn-Qayyim Al-Jawziyyah writes that circumcision (male and female) curbs concupiscence which, "if it is exaggerated, makes the man an animal; and if it is annihilated, makes him an inanimate thing. So circumcision curbs this concupiscence. For this reason, you never find uncircumcised men and women satiated by mating"⁷. Al-Mannawi (d. 1622) reports from the imam Al-Razi (without determining his identity):

The glans is very sensitive. If it remains hidden in the foreskin, it fortifies pleasure during mating. If the foreskin is cut, the glans hardens and pleasure becomes weak. This

¹ Maimonides: The Guide for the perplexed, section III, chapter 49.

² Ibid., section III, chapter 49.

³ Barth: Berit mila, p. 124-125.

⁴ Ibn-al-Assal, vol. 2, p. 418-421.

⁵ Thomas d'Aquin, IaIIae, q. 102, a. 5, ad 1.

⁶ Ibid., IIIa, q. 70, a. 3, arg. 1 et ad 1.

⁷ Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 1.

fits our law better: to reduce pleasure without suppressing it completely, a just medium between excess and carelessness¹.

B) Opponents see in it a means to reduce pleasure

Opponents to male circumcision agree with the aforesaid ancient authors that circumcision reduces sexual pleasure. They have found scientific explanations to affirm this. But contrary to the ancient authors, they reject male circumcision because it opposes their positive perception of sexuality that they consider an individual right.

Opponents say that sexual pleasure is obtained not by the glans, but by the corona of the glans, frenulum, and foreskin. The glans penis is primarily innervated by free nerve endings and has primarily protopathic sensitivity, which refers to cruder, poorly localized feelings. The only portion of the body with less fine-touch discrimination than the glans penis is the heel of the foot. In cutting the foreskin, the glans and its coronal crown lose their protection, harden with age and become drier, precisely as it happens when one walks barefoot. So, circumcision causes the progressive loss of glans sensitivity and its corona. Also, it deprives the man of a more or less large part of the skin of the penis, according to the cut, and which can eliminate 80% of the penile skin. The amputated part contains more than a meter of veins, arteries and capillaries, 78 meters of nerves and more than 20,000 nerve endings. Circumcision destroys foreskin muscles, glands, mucous membranes, and epithelial tissue. Circumcision also injures the frenulum².

Even though circumcision doesn't prevent erection, the reduction of skin makes it tenser, less elastic, and less mobile. If the skin amputated is too much, the tension can bend the verge or extricate the skin of the scrotum to compensate for the lost skin.

At the time of preparing for the sexual act, the man caresses the clitoris and the foreskin of the woman. She also caresses the man's penis by slipping the skin back and forth over the glans in order to maintain the penis' erection until she is ready for penetration. This gesture is uncomfortable when the skin has lost its natural length. This foreplay as well as penetration is less smooth particularly because the circumcision destroys the glands that secrete its lubricating smegma. To remedy this, women often resort to a lubricant, a matter that can be damaging for the man and woman. These two problems could explain why American women resort to fellatio compensating the lack of lubrication by her saliva, and why foreplay is shortened depriving the man and woman of their pleasure before penetration.

Foreskin amputation and the lack of penile lubricant matter make the sexual act itself more painful for the woman and for the man. The intact prepuce slips inside the vagina through the skin that remains held by the muscles of the vagina. There is less friction for both. But when the penis has lost its foreskin, the skin becomes tense and penetration provokes a friction and an irritation for the two partners. One notices in this respect that the sexual relation of the intact man defers from the sexual relation of circumcised man. The circumcised man performs more violent and faster penetration, in search for an excitation that he would have had if he had kept his foreskin. This sexual behaviour increases friction, provokes lesions in both and can create an uncomfortable situation for the two³. An American physician writes:

The circumcised male, because of altered penile function and sensitivity, can never reach his full God-given potential of genital pleasure. The woman, in return, can never

¹ Al-Mannawi: *Fayd al-qadir*, vol. 3, p. 503.

² Fleiss: *Where is my foreskin?* p. 41; Cold; Taylor: *The prepuce*, p. 37-38; Laumann, p. 1052-1057.

³ Ritter, p. 12-4, 15-1; Romberg: *Circumcision*, p. 173; Warren: *Norm UK*, p. 89; Zwang: *Functional and erotic consequences*, p. 71; O'Hara; O'Hara, p. 79-84; Hammond: *A preliminary poll*, p. 87.

be a witness and recipient of her lover's full response [...] A gifted musician, despite his/her virtuosity, could not deliver an exemplary performance with a poorly tuned or less than excellent quality instrument¹.

We will see in the last chapter that some circumcised men in the United States are restoring the foreskin to remedy problems created by circumcision.

C) Proponents see in it a means to increase pleasure

Noticing that the tide turned and that sexual ethics changed, proponents of male circumcision reversed the arguments of their elders. They affirm that circumcision doesn't reduce concupiscence since circumcised men and their partners don't complain. They add that it could even reinforce pleasure by delaying ejaculation.

a) Satisfaction of circumcised men

The fact that circumcised men feel satisfied in their state doesn't mean that circumcision doesn't reduce their sexual pleasure. If the majority of them don't complain it is because the topic is taboo on the religious and social level. And to admit that it is not all that it could be takes a great deal of soul searching and intellectual honesty. Denial is a universal defence mechanism. A circumcised man has no means of accurate comparison. He has been circumcised all his life. All his sexual experience has been with his circumcised penis. If a person, colour blind for life, didn't learn what colour-blindness meant, he would think the colour-blindness was normal. And, in fact, he would think that it was fine. Furthermore, a circumcised man is usually lacking knowledge about foreskin function, glans sensitivity and the pleasure dynamics of the uncircumcised penis. Maybe he has never seen an intact penis².

Masters and Johnsons examined 35 circumcised and 35 uncircumcised men to see if circumcision has an effect on pleasure. They didn't find a meaningful difference between the two groups³. But their experience has been put in doubt notably for the fact that they measured glans sensitivity and not the foreskin which is the main organ procuring the pleasure⁴.

A 1994 U.S. survey of 313 respondents from different races and religions that have links with centers opposed to male circumcision and in favour of foreskin restoration, demonstrated that 61% endured progressive sensory deficit in the preputial remnant and glans, causing sexual dysfunction, erectile problems, ejaculatory difficulties and/or anorgasma. 40% needed extraordinary stimulation to reach orgasm. Many respondents reported vaginal sex offered inadequate stimulation for pleasure and/or orgasm. The report indicated 50% of the respondents circumcised as an infant were unhappy about it compared to 3% of uncircumcised respondents who were unhappy being intact⁵.

Another survey of five people circumcised when they were adults demonstrated that there was a negative modification in sensitivity and sexual pleasure⁶. Others also regretted having been circumcised. One of them said that the pleasure before and after the circumcision resembles to one that saw in colour and now only sees in black and white. Another estimated that he lost 50% of his sensitivity. A third said that he plays guitar and his fingers get callused from playing; that's similar to what happened to his penis after his circumcision⁷. A survey concerning Jewish immigrants coming from Russia and circumcised after their

¹ Ritter, p. 15-1.

² Hammond: A preliminary poll, p. 85, 88; Ritter, p. 17-1.

³ Romberg: Circumcision, p. 171.

⁴ Ritter, p. 27-2.

⁵ Hammond: A preliminary poll, p. 86, 88.

⁶ Money; Davison, p. 291.

⁷ Goldman: Circumcision the hidden trauma, p. 39-40; Boyd, p. 111-112; Romberg: Circumcision, p. 172-173.

arrival in Israel demonstrates that 54% of respondents reported greater sexual satisfaction before circumcision, but only 24% reported sexual satisfaction after circumcision¹. Those that restore their foreskin feel more sexual satisfaction than before. We will come back on this question in the last chapter of this part.

b) Circumcision and premature ejaculation

Contemporary Muslim authors fail to mention their elders who saw male circumcision as a means to reduce sexual pleasure. In contrast, they propose that it delays ejaculation, prolongs mating, therefore pleasure. So Dr. Ramadan says that the ablation of the foreskin "denudes the glans and increases sexual enjoyment"². As for Al-Sayyid, he writes:

It appears that male circumcision has an indirect positive effect on sexual strength. Figures from certain scientific institutes prove that copulation of circumcised men is longer than uncircumcised men, these last ejaculating more quickly. Therefore, circumcised men enjoy more and offer more enjoyment and satisfaction than uncircumcised men³.

Such opinions are found in Western writings favouring male circumcision. Their reasoning is simple. With amputating the foreskin, one reduces the amount of skin innervation and glans sensitivity, thus delaying ejaculation. Popular writings in the United States recommend circumcision to remedy premature ejaculation⁴. But such a theory represents a problem because of the definition of premature ejaculation and its reasons.

The *Kama Sutra* notes that: "at the first time of sexual union the passion of the male is intense, and his time is short, but in subsequent unions on the same day the reverse of this is the case. With the female, however, it is the contrary, for at the first time her passion is weak, and then her time long, but on subsequent occasions on the same day, her passion is intense and her time short, until her passion is satisfied"⁵.

Dr. Pierre Solignac estimates that 52% of men are affected by premature ejaculation. Masters and Johnson define it as being the incapacity to control the ejaculation process for sufficient time to satisfy the partner. Others consider that there is premature ejaculation if partners are of this opinion or if the man considers that his ejaculation process is too fast to permit him to have sufficient satisfaction. Ejaculation is sometimes so fast that it occurs before vaginal penetration⁶. According to Pierre Solignac, premature ejaculation, "in the majority of cases, is due to a lack of central control of the erection, by hyperemotivity, anxiety, tiredness or decrease of the psychic tonus or, what is frequent, psychological inhibition of which partly is the impossibility to fantasize. It can also be due to a lack of peripheral excitation that doesn't facilitate the maintenance of the erection (passive woman) or to an arterial or vascular defect"⁷. Religion can also play a role. So among Orthodox Jews, some rabbinical authorities at various times recommended that coitus should be performed rapidly, and with a minimum of foreplay⁸.

Premature ejaculation is a reason for problems between men and women. If the man ejaculates after the woman's orgasm he can feel uncomfortable. If on the contrary, it is the man who ejaculates before the woman orgasms, the woman feels forsaken and the man consid-

¹ Zoosmann-Diskin; Blustein, p. 344; See also Hecht: The cutting edge, p. 14-15.

² Ramadan, p. 67.

³ Ibn-Asakir, preface, p. 12. See also Khadir, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 24.

⁴ Wallerstein: Circumcision: an American health fallacy, p. 115-116.

⁵ Vatsyayana, part 2, chap. 1, p. 42-43.

⁶ Solignac, p. 23-24.

⁷ Ibid., p. 107.

⁸ Barth: Berit mila, p. 125; Wallerstein: Circumcision: an American health fallacy, p. 116

ers her frigid. Let's note here that most male mammals, including primates, ejaculate almost instantly upon penetration¹.

There is no evidence linking circumcision with premature ejaculation. In the United States and Israel, two countries with elevated rate of circumcision, the men suffer from premature ejaculation. Some men who have been circumcised as adults report they don't ejaculate prematurely. This is probably an emotional reaction to the surgery, since the problem usually subsides in a few weeks or months. On the other side, circumcised men who restored their foreskin testify that this process helped them control themselves better and remedy their premature ejaculation².

The sex therapist Gérard Zwang says that by leaving the glans permanently externalized, circumcision may indeed cause the formation of a protective corneal layer, but it is incorrect to claim that this permits circumcised men to engage in coitus for hours and hours, bringing their partners endless hours of vaginal ecstasy. The toughness of the glans doesn't prevent premature ejaculation³.

c) Partner Satisfaction

It is not rare to hear or to read that women prefer circumcised men. But one hears and reads contrary opinion.

Maimonides wrote: "It is hard for a woman, with whom an uncircumcised had sexual intercourse, to separate from him"⁴. On the other hand, an investigation on 139 women having had multiple relations with circumcised and uncircumcised demonstrates:

- With their circumcised partners, women were more likely not to have a vaginal orgasm.
- Their circumcised partners were more likely to have premature ejaculation.
- Women were more likely to state that they had vaginal discomfort with a circumcised partner either often or occasionally as opposed to rarely or never.
- More women reported they never achieved vaginal orgasm with their circumcised partners than with their unaltered partners.
- They were more likely to report never having had multiple orgasms with circumcised men.
- They were also more likely to report that vaginal secretions lessened as coitus progressed with their circumcised partners.
- Women who preferred a circumcised partner overall were more likely to have had > 10 partners.
- Women preferred vaginal intercourse with a complete penis rather than a circumcised penis.

The survey concludes: "Clearly, the anatomically complete penis offers a more rewarding experience for the female partner during coitus"⁵.

Proponents of male circumcision say the most delicious meal is inedible if served on dirty dishes or tables. They feel an uncircumcised penis is repugnant because of smegma. Therefore the woman cannot fully enjoy. It is the reason some grant the Muslim woman the right to divorce her uncircumcised husband, as we saw in the Muslim religious debate. Oppo-

¹ Ibid., p. 116-118; Ritter, p. 30-1.

² Wallerstein: Circumcision: an American health fallacy, p. 118-121.

³ Zwang: Functional and erotic consequences, p. 74.

⁴ Maimonides: The Guide for the perplexed, section III, chapter 49.

⁵ O'Hara; O'Hara, p. 79-84.

nents retort that smegma is a natural matter like all bodily secretions as: saliva, earwax, tears, vaginal secretions, armpits' perspiration, etc. It serves to protect the body from drying and keeps the glans moist. It is useful in intercourse. If circumcision is eliminated, another lubricant must replace it. Furthermore, smegma contains pheromones that play a sexual appeal role. Smegma must not be suppressed completely and cleanliness can be assured without necessarily suppressing the glands that secrete it¹.

One must consider that the preference between circumcised and uncircumcised men is a requirement of many religious, cultural and psychological criteria. An orthodox Jewish or Muslim woman considers the uncircumcised penis repugnant, even without having seen or tried it. A woman coming from a society whose males are all intact can be surprised negatively or positively by a circumcised penis. On the other hand, a woman can also want to vary her partners as one varies food. But, as Romberg puts it: a mature and loving relationship should transcend superficial, physical attributes. Which type of penis the man has is definitely secondary to such things as gentleness, caring, kindness, and a sense of humour².

Let's finally signal that the Kikuyu tribe of Kenya doesn't cut the foreskin completely during circumcision. The operator gathers back the foreskin into a tassel, called *ngwati* (the brush), which is arranged to hang at the right angle below the head of the penis. Its use is to increase sexual excitement, but it can also serve as a catch to check penetration when the woman is pregnant. Fuller penetration is believed to result in destroying the womb³.

2) Female circumcision and sexual pleasure

Female circumcision has the same controversy that surrounds male circumcision.

A) Ancients saw in it a means to reduce pleasure

The classic jurists saw in female circumcision a means to reduce concupiscence and the reason for which they sustained it.

Returning to Muhammad's narratives on female circumcision one notices that the most important narrative links between this practice and sexual pleasure. This narrative reports that Muhammad would have told a female circumciser of slaves: "Cut little and don't overdo because it brings more radiance to the face and it is more pleasant for the husband". Referring to this narrative, Al-Jahidh (died 868) wrote:

The woman with a clitoris finds a pleasure that the circumcised woman doesn't find. This pleasure is proportional to the quantity amputated [...]. The Prophet told the female circumciser: "Oh Um-Atiyyah, cut little and don't overdo because it brings more radiance to the face and it is more pleasant for the husband". One would say that the Prophet wished to reduce her concupiscence in a moderate measure. Because if concupiscence is annihilated, pleasure doesn't occur, and love between spouses decreases. However, love between spouses is a brake against dissolute living [...]. The judge Jannab Ibn Al-Khashkhash pretended, after counting the circumcised women in one village, he discovered that the chaste women are circumcised and the debauchees uncircumcised. Research indicated male adultery occurs more with uncircumcised women in India, Byzance, and Persia because they have more concupiscence towards men. It is the reason India established brothels due to the fact that they have a clitoris and an abundant foreskin⁴.

¹ Wallerstein: Circumcision: an American health fallacy, p. 59-60.

² Romberg: Circumcision, p. 174-175.

³ Kenyatta, p. 179-180.

⁴ Al-Jahidh, vol. 7, p. 27-29.

Classic and modern Muslim jurists often mention Al-Jahidh's opinion¹. We mentioned before that Ibn-Qayyim Al-Jawziyyah (died 1351) said circumcision (male and female) curbs the concupiscence which, "if it is exaggerated, makes the man an animal; and if it is annihilated, makes him an inanimate thing. So circumcision curbs this concupiscence. For this reason, you never find uncircumcised men and women satiated by mating"². Al-Baji reported that Malik (d. 795) said: "Who buys a slave should circumcise her if he wants to enclose her. But if he intends to sell her, he does not need to circumcise her"³. This means that the circumcised female slave would be easier to master and keep home.

B) Opponents see in it a means to reduce pleasure

Opponents to female circumcision base their opposition, among others, on the fact that it reduces a woman's sexual pleasure, which is considered a right to possess. So Dr. Nawal Al-Saadawi, herself circumcised, writes:

The clitoris is distinguished by the fact that it is the only erectable organ at the time of sexual excitation and it has the most sensitive nerves for her sexual pleasure. It conducts her sexual relation from its beginning until its end. Without it the woman cannot achieve orgasm⁴.

As for Dr. Mahran, he writes:

54% of circumcised women don't react [to sexual excitation] because of the ablation of the sensitive part that is necessary for such an excitation. There is no doubt that this ablation leads to the rupture of sexual cooperation between the two partners, and provokes congestion in the pelvis, pain, nervousness and psychological tension⁵.

Finally, Dr. Al-Hadidi writes:

What will be our state if one cuts our tongue and asks us to taste a thing to judge it? Without doubt it is impossible [...]. How can a woman, amputated of her organ, loaded with sexual sensitivity, taste sexual pleasure? There is no doubt it is difficult and requires a long time to satisfy her⁶.

The sex therapist Gérard Zwang gives a scientific explanation to the relation between female circumcision and women's sexual pleasure. He says that the epigenetic connections of the orgasmic circuit begin to fuse effectively around age 2 or 3. The normal mechanism for activation of this circuit is handling and fondling of the external sexual organs, as inevitably and innocently practiced by children when they explore their body. Little boys, with their projecting penis, have an advantage in this respect. They have even been observed masturbating in the womb. Little girls, however, fondle the clitoris during infancy, and their orgasmic circuit becomes functional around 6 or 7 years old. Only in the second decade of life, girls attain genital development sufficient to engage in copulation. Even though the clitoris has been cut, certain excised females can attain vaginal orgasm if they were mutilated rather late in life. But if circumcision was performed before age 6 or 7, it is hard for circumcised women to reach orgasm⁷. In a symposium held in Geneva in March 1977, he estimated that "90 to 95% of mutilated women are totally frigid"⁸.

¹ See Al-Nazawi, vol. 1, p. 40; Ibn-Taymiyyah: *Fiqh al-taharah*, p. 69; Ibn-Taymiyyah: *Fatawa al-nisa*, p. 17.

² Ibn-Qayyim Al-Jawziyyah, in Aldeeb Abu-Sahlieh: *Khitan*, vol. I, annex 1.

³ Al-Baji, vol. 7, p. 232.

⁴ Al-Saadawi: *Al-mar'ah wal-jins*, p. 29.

⁵ Mahran, p. 63.

⁶ Al-Hadidi, p. 68; See also Ammar, p. 51-52.

⁷ Zwang: *Functional and erotic consequences*, p. 70-71.

⁸ Zwang: *Les mutilations sexuelles féminines*, p. 25.

C) Proponents see in it a means to increase pleasure

Today, proponents of female circumcision advocate concupiscence is not reduced and that female circumcision could even reinforce the pleasure of the man and woman if it is made in the limits of Muhammad's narrative: "Cut little and don't overdo". And even when the circumcision is exaggerated, it doesn't prevent the woman from enjoyment. Finally, men in certain cultures prefer circumcised partners to those uncircumcised.

a) Satisfaction of circumcised women

Sheik Shaltut says about the female organ that is cut in the circumcision:

This excrescence constitutes an inconvenience in sexual relations either for the woman, or for the man who is not accustomed to feel it and repels when seeing it. Therefore its ablation is a meritorious act for the woman and for the man in their known moments. Female circumcision in this sense is nothing else than what requires psychological comfort and the maintenance of cordial affection between the husband and his woman, such as perfume, to make her beautiful and to purify oneself from surpluses adjacent to this place¹.

Al-Sukkari writes:

The order to circumcise women has two interests: It reduces a woman's excessive concupiscence so that she doesn't fall into forbidden habits. And, it contributes to prolong sexual pleasure leading to orgasm that bonds the two spouses to complete mutual chastity².

We saw before that Robert Cook, of the WHO's regional office in Alexandria, had distinguished in his report of 30 September 1976, between the different types of female circumcision and considered that the first one, the "circumcision proper", which consists in the circumferential excision of the clitoral prepuce, analogous to male circumcision, "has not been reported to have any adverse health consequences". He added that this type is "also sometimes practiced in the United States to counter failure to attain orgasm on the part of the woman associated with redundancy or phimosis of the female prepuce". He quotes here two American physicians: Rathmann and Wollman³.

In 1959 Dr. Rathmann published an article favouring female circumcision: "The value of this procedure in improving function has been accepted by various cultures for the past 3,500 years". He proposed cutting women's foreskin with a device he invented to make their clitoris more accessible in case of phimosis. He advised reducing a redundant clitoris and proposed that female circumcision is useful in the following situations:

- 1) If the patient is quite adipose, a circumcision could be indicated although she has less anatomic defect [...]
- 2) If the husband is unusually awkward or difficult to educate, one should at times make the clitoris easier to find.
- 3) If the clitoris is quite small and is difficult to contact, a circumcision might help by making it more accessible.

He stated that he had performed these circumcisions for 15 years. On the basis of 112 questionnaires, he said that: "one should expect 85 to 90% to show satisfactory improvement". He reports the case of a 34-years-old woman:

¹ Shaltut, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 7.

² Al-Sukkari, p. 36. See also Ibn-Asakir, preface of Al-Sayyid, p. 13, and Al-Sayyid: Hukm khitan al-nisa, p. 34-35.

³ Cook, p. 54.

She had five divorces before coming to my office as a patient. She was found to have a rather severe redundancy and phimosis, and had never experienced a climax. After being circumcised, she remarried the last man she had divorced and has had no further sexual problem. She stated that she wasted four perfectly good husbands¹.

One also finds United States advocacy favouring female circumcision in a 1973 article by Dr. Wollman, a gynaecologist in Maimonides Hospital², and in a 1975 book by Dr. James C. Burt titled *The Surgery of Love*³. The American popular publications were also in favour of this practice. *Playgirl* published in October 1973, an article titled *Circumcision for women the kindest cut of all*⁴, followed in May 1975 by an article titled *\$100 Surgery for a million dollar sex life* in which circumcision was again extolled⁵. This magazine later published in October 1975, a letter from a physician praising the subject's coverage, and stated that he soon would complete his fiftieth such operation. The physician commented that: "probably 10 to 15% of all women could benefit sexually from it"⁶. In November 1976, *Cosmopolitan* published an article describing operations that are now being performed more frequently to improve sexual response. Female circumcision headed the list with the claim that it could benefit 10% of all women with a non-cooperative clitoris⁷.

In his 1980 book, Wallerstein wrote that Government statistics for 1968, 1973, and 1977 indicated that approximately 5,000 operations were performed annually on external female genitalia; of these possibly 2,000 to 3,000 were circumcisions. However, this number represents only women who have had the operation in hospitals. According to one study, the ratio of this operation performed in doctors' offices to hospitals is about 50:1. The 50:1 figure is not projectable; if it turns out to be reasonably accurate, then more female circumcisions are performed than are adult male circumcisions⁸.

On the Internet one can find letters from two American women who sexually benefited from female circumcision that consisted in reducing their foreskins to make the clitoris more visible⁹. In November 10, 1998 the *Toronto Globe and Mail* published an article concerning the Canadian physician, Dr. Robert Stubb, who has performed female circumcision on North American women once a month for 12 years that consists in reducing the small lips and the opening of the vagina for aesthetic reasons and increased pleasure. This operation costs between \$1,500 and \$2,500. A woman said: "I experienced physical discomfort during sex, and I would feel pinching while riding a bike or a horse". Toronto sex therapist Joan Marsman said: "It's another exploitation of body image. But there are people who will want this surgery so strongly, it's hard to say it isn't right for them"¹⁰.

These facts demonstrate that female circumcision was not always discerned as a means to reduce women's sexuality. Information about the negative impact of female circumcision remains contradictory even when coming from its opponents. Assaad's discussion of a survey of 135 nurses in Egypt established no correlation between sexual satisfaction and excision. Over 90% of the excised in this survey responded that they enjoyed sex. Howev-

¹ Rathmann: Female circumcision.

² Wollman: Female Circumcision.

³ Burt: *Surgery of Love*. For more details, see Wallerstein: *Circumcision: an American health fallacy*, p. 188-190; Hodges: *A short history*, p. 32.

⁴ Kellison: *Circumcision for women*.

⁵ Kellison: *\$100 Surgery*.

⁶ Walden: *Letter to the Editor*.

⁷ Isenberg; Elting: *A guide to sexual surgery*. For more details, see Wallerstein: *Circumcision: an American health fallacy*, p. 183-184.

⁸ Wallerstein: *Circumcision: an American health fallacy*, p. 183.

⁹ www.circlist.org/canatomyfemale.html.

¹⁰ www.circlist.org/canatomyfemale.html.

er, Assaad pointed out that these figures should be accepted with some reservations in view of the complex and intimate nature of the questions on sexual experience and reticence about this subject¹. Concerning infibulated Sudanese Women, Lightfoot-Klein wrote:

Close to 90% of Sudanese women interviewed claimed to regularly achieve or had at some time in their lives achieved orgasm. It was reported by these women to occur in varying degrees of frequency and intensity. For fairly obvious reasons orgasm could not be measured in a controlled experimental setting among Islamic women. Regarding this somewhat surprising figure, we must be aware of a possible halo effect caused by a tendency on the part of women interviewed to exaggerate the sexual satisfaction [...] There is little doubt in my mind that orgasm exists even among these drastically mutilated women to a surprising extend, and it is far from being rare².

Having reviewed various different opinions, Doctors Nahid Toubia and Izett wrote:

All types of female genital mutilation interfere to some degree with women's sexual response but do not necessarily abolish the possibility of sexual pleasure and climax. [...] some of sensitive tissues of the body and the crura of the clitoris are embedded deeply near the pubic symphysis and are not removed when excision of the protruding parts take place. Even women with infibulation often have parts of the sensitive tissue of the clitoris and labia left intact. Some studies suggest that, apart from the external genitals, other erogenous zones in the body may become more sensitized in women with genital mutilation, particularly when the overall sexual experience is pleasurable with a caring partner. Also, the psychological and cortical components of the sexual experience in women with genital mutilation are influenced by various factors that are not always predictable. Better-designed studies are needed before more light can be shed on the effects of female genital mutilation on women's sexuality³.

These testimonies of three pioneers in the struggle against female circumcision demonstrate that it is not possible to say in a categorical manner that female circumcision deprives women sexual pleasure. But despite this doubt, this practice remains reprehensible as a violation of the physical integrity of non-consenting persons, and without medical reason.

b) Partner satisfaction

It is necessary to ask if partners of circumcised women are satisfied by sexual intercourse with them, or if they prefer uncircumcised women. As in male circumcision, the answer varies according to cultures and individuals.

We saw before that Sheikh Shaltut considers female circumcision beneficial for the woman and man because it suppresses a repugnant excrescence. Al-Ghawwabi wonders in this respect how a man can lie down with a woman who has an erect organ (the clitoris) as his⁴.

As said before, in Egyptian society, men coming from areas that perform female circumcision are reluctant to marry an uncircumcised woman. In the same way, men coming from areas that perform infibulation, refuse to marry a woman who is not infibulated. They feel they enjoy sex more with a woman whose vagina is narrow. It is necessary to note however that the first sexual intercourse with an infibulated woman can be extremely painful for both spouses. The woman's defloration can last between one week and several months. Some men, incapable of penetrating their women, resort to a knife or a midwife's services

¹ Assaad: Female circumcision in Egypt, p. 24; See also Giorgis, p. 31-33.

² Lightfoot-Klein: Prisoners, p. 80-81.

³ Toubia; Izett: Female genital mutilation: an overview, p. 35.

⁴ Al-Ghawwabi, p. 55.

to open them. Most of the men who try to get through the first day get very drunk so they will not feel what they are doing. When drunk, they do not care what their partners suffer¹.

Olayinka Koso-Thomas indicates that traditional men prefer circumcised women because the excitation of the clitoris of the intact woman makes them ejaculate prematurely. These men believe that they should control all aspects of sexual relations, from initial excitement to orgasm and resolution. It is for the man to bring the sexual act to an end at such a time as it may please him, not the woman. Circumcision, therefore, helps to maintain sexual harmony in the household by making the women subdued and passive in the sexual act².

A survey made on 300 polygamous Sudanese husbands having women circumcised and uncircumcised showed that 266 among them prefer sexual relations with their uncircumcised wives³.

In conclusion, if some men prefer circumcised women, in tribes that performed the macronymphia (stretching the clitoris and lips), girls who didn't reach this result find a sexual partner or a husband with difficulty. These tribes consider that the goal of the macronymphia is to avoid frigidity and to reach the orgasm easily⁴.

3) Link between circumcision and drugs

There is a debate around the link between circumcision and drugs. But deepened studies in this domain are missing, probably because of its sensitivity. We present here the opinions we found.

A) Male circumcision and drugs

Our only Western reference is from the psychologist Goldmann. He wrote:

If we accept what logic, research, and men circumcised as adults say, circumcision reduces sexual sensitivity and function. Consequently, whether men know the facts about circumcision or not, diminished male self-esteem is a possible result of circumcision.

Low self-esteem has personal and social consequences. Those with low esteem generally have a low opinion of others. Low self-esteem is also associated with relationship dissatisfaction, poorer general health, high conformity, depression, drug use, and loneliness. In an attempt to compensate for their low self-esteem, some males may adopt certain behaviours⁵.

Sheik Khadir, in an unpublished text referenced in this book's Arabic translation, proposes the contrary that non-circumcision drives a person to use drugs. He explains that the uncircumcised is overexcited and ejaculates prematurely. In order to remedy this defect, "the biggest danger of our time", the man resorts to drugs to calm his excitation and to prolong sex. Some use condoms to this same end even when they don't need it as a contraceptive means⁶.

B) Female circumcision and drugs

Many Egyptian writings evoke the connection between female circumcision and drugs in Egypt. Thus, Ahmad Amin writes:

In these days of my life, 1950 and after, some people called to limit circumcision to boys only. Their reason is that circumcising girls caused expansion of hashish use,

¹ Report on the regional seminar on traditional practices, Addis Ababa, 1987, p. 91-94; Lightfoot-Klein: Prisoners, p. 58-59, 104-105, 125.

² Koso-Thomas: The circumcision, p. 8-9, 11.

³ Al-mumarasat al-taqlidiyyah, p. 23.

⁴ Ombolo, p. 101-102.

⁵ Goldman: Circumcision the hidden trauma, p. 142.

⁶ Khadir, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 24.

manzul, opium and other substances. As the girl's circumcision reduces her sexual pleasure when she grows, the man sees himself constrained resorting to drugs because he is deprived sexual relations with her. For this reason, they called to not circumcise girls so that the man is not obliged to use these drugs¹.

Dr. Al-Hadidi writes:

All kind of drugs are expanded in our country in a frightening manner passing the figures of all other countries [...] despite our very harsh sanctions and repressive laws against the trafficker and the consumer. What is the secret behind this phenomenon? [...] Certainly, a lot of people resort to drugs for lack of reasoning and cerebral deficiency. But what would you say about those who resort to drugs whereas they are very successful in their job and on the scientific, literary and material level and prove that they are balanced mentally, or even excellent? The answer is simple: what pushes then is the desire to anesthetize their sensitivity in the purpose of recovering a balance between them and circumcised women with whom they have sexual relations².

Other sources abound in similar reasoning. The goal of the recourse to drugs, or even to alcohol, is to satisfy women by prolonging sexual relation because of the elevated rate of frigidity due to female circumcision.

One observes the same link between female circumcision and narcotics in Yemen where the curse of the *qat* hits toughly. A tentative interdiction in April 1957 in the British colony of Aden provoked a popular uprising. Yemenis saw in this measure "a violation to their fundamental rights". Women themselves showed their opposition to this interdiction considering that it violates their marital life. Since June 24, 1958, the use of *qat* became again legal in Aden³.

Proponents of female circumcision affirm the opposite. They claim that the uncircumcised woman remains very receptive to sex with greater age whereas the man's sexual desire regresses. In order to be able to compete with her, the man resorts to drugs. But if the woman is half circumcised, her sensitivity becomes moderate, and the two spouses become equals on the sexual level⁴.

Al-Sayyid says: "Women were circumcised through centuries without provoking troubles for men, and there was never any relation between female circumcision and drugs". He adds: "How can one affirm after the call of Muhammad in favour of female circumcision that it contributes to expand drug use?" But this author condemns Pharaonic circumcision as contrary to God's law; he holds that it deprives the man and woman of pleasure and pushes men to the consumption of alcohol and drugs⁵.

4) Link between circumcision and homosexuality

Homosexuality means here sexual intercourse between two men or two women. Simplifying to the extreme, we can theorize that this behaviour can be:

- Organic: When female hormones exceed male hormones for the man, or on the contrary when male hormones exceed female hormones for the woman. In such cases, a man desires to practice sex with another man, and a woman with a woman.

¹ Amin: Qamus al-adat, p. 188.

² Al-Hadidi, p. 69-70. See also Ammar, p. 52; Mahran, p. 63; Al-Fanjari, p. 16 and 21-22; El-Masry, p. 56-59.

³ El-Masry, p. 61-62..

⁴ Al-Ghawwabi, p. 56-57.

⁵ Al-Sayyid: Hukm khitan al-nisa, p. 48, 68, 70.

- Circumstantial: When men or women can't appease their sexual desires with a partner of the different sex as in jail, these men and women resort to sexual relations with persons of the same sex.

We are interested here with circumstantial homosexuality. The question is to know whether male or female circumcision contributes to circumstantial homosexuality. But, as it is with drugs and circumcision, detailed studies in this are missing, probably because of its sensitivity. We present here opinions we found.

A) Male circumcision and homosexuality

The West performed male circumcision to stop masturbation, which was considered a driving force toward homosexuality¹. We will come back to this point in section II of the following chapter.

According to the *New York Times* of October 2, 1977, the CIA in 1961 had arranged to have 15 boys, aged 5 to 7, circumcised. The boys were from low-income families; their ethnic backgrounds were not identified. The objective of the research was to determine whether castration anxieties were caused by circumcision and whether such "emotional disorders" as homosexuality were related to castration complexes. The research findings had been destroyed².

Rosemary Romberg says: "I have been told that most homosexual males in the USA have been circumcised and preferred circumcised males. Their literature depicts exclusively circumcised penises, although they have ample access to foreign material with intact males". She mentions a survey of admission to a Naval hospital: "Of all admissions, 32% had been circumcised. Of all admissions of overt homosexuality, 100% had been circumcised." But she adds: "Male homosexuality does exist in Europe and in other parts of the world where circumcision is not practiced; therefore the lack of foreskin could not be a sole factor". She gives three explanations to the possible ties of the circumcision with homosexuality:

- Original trauma of circumcision, and the resultant resentment over the lack of foreskin brings about a castration anxiety. One patient, a homosexual [...] had been unable to have sexual relations with a woman. Each time he had tried to enter a woman he relived the operation of circumcision. Obviously this is not to say that circumcision invariably leads to homosexuality, but merely that the experience on its own, or compounded with earlier or later trauma, can contribute to neurosis.
- The newborn is a sensitive, aware human being. Certainly pain inflicted upon his penis during the first days of his life must have some impact upon his ultimate sexuality. There is evidence that the newborn infant experiences a certain degree of sexual arousal. [...] In the light of this - what is the ultimate effect if the baby's first sensations in his penis are not pleasure, but instead extreme pain?
- It has been noted that there are some circumcised men who are otherwise heterosexual but who have an unusual interest in other men's foreskins. Possibly "foreskin envy" - these strong feelings of missing something - is the basis of some men's homosexuality, and certainly in many more cases, the homosexual aspect of bisexuality³.

Ronald Goldman explains that some circumcised men feel a nagging sense that deep inside something is missing, but they may not know exactly what it is. If a man sees himself as

¹ Wallerstein: Circumcision: an American health fallacy, p. 33.

² Ibid., p. 195-196.

³ Romberg: Circumcision, p. 175-177.

responsible, then a lifelong search for what is missing may result. A man may seek to recover what is missing in himself through women. Because no woman can make him feel complete, a man may withhold commitment. Continually seeking new women gives him hope. Of course, women also want passion and excitement with men, but if circumcision contributes to emotional numbing, then women's feelings are also affected. As a result, both men and women may feel something is missing from their relationships. It drives the man in search of pleasure with another woman, not his wife, or with another man¹.

Goldman further explains that without the foreskin, the glans surface, which is normally a moist mucous membrane, dries and thickens considerably in response to continued exposure. This change reduces sensitivity. In addition, the loss of the secretion called smegma from the inner foreskin removes natural lubrication. He states that oral-genital sexual activities are more common in the U.S. than in any other society. He asks: "Could the lack of natural lubrication of the penis due to circumcision be a reason²?" Cold and Taylor concur:

The increased frequency of masturbation, anal intercourse and fellatio reported by circumcised men in the USA may possibly be due to the sensory imbalance caused by circumcision. Clearly, amputation of the prepuce causes changes in sexual behaviour in human males and females³.

Removal of the penile sheath in male rats markedly interferes with normal penile reflexes and copulation. Circumcised rats had more difficulties obtaining an erection, more difficulty inserting the penis into the vagina, and required more mounts to inseminate than did unaltered males⁴.

I wish to present here a plausible explanation of the influence of circumcision on homosexuality. A circumcised man who loses a great amount of penile skin or whose circumcision has been followed with complications can suffer from erection difficulties and in the penetration of woman. He can then look for sexual pleasure with a man who penetrates him. I corresponded with a young Swiss man who affirms that he became homosexual because of his circumcision; he has lost all pleasure in sexual relation with women.

B) Female circumcision and homosexuality

The West performed female circumcision to stop masturbation and homosexuality. In his book *Surgery of Love*, of 1975, James Burt affirms that female circumcision reduced homosexuality among women⁵.

Such a belief is found among Egyptian women. They say that uncircumcised girls become lesbians, lascivious or loose⁶. The compilation of *Sunnah* published by the Egyptian ministry of religious affairs advances the support of female circumcision with the following argument: "Events demonstrate that the abandonment of female circumcision drives to the most dangerous of habits which is lesbianism. Figures prove that this habit only exists in countries where women are not circumcised"⁷.

This theory, prevailing in the West and Egypt, is based on the idea that the woman uses her clitoris as a small penis to practice sex with other women. But, Dr. Ramadan contradicts:

¹ Goldman: Circumcision the hidden trauma, p. 144.

² Ibid., p. 39.

³ Cold; Taylor: The prepuce, p. 41.

⁴ O'Hara; O'Hara, p. 79-84; Laumann, p. 1052-1057.

⁵ Wallerstein: Circumcision: an American health fallacy, p. 190.

⁶ Abd-al-Salam: Female sexuality, p. 75.

⁷ Al-muntakhab min al-sunnah, vol. 3, p. 96-97, note 1.

Reality denies this fact. Homosexuality is the result of a psychological and behavioural variance and doesn't depend on a small or large sexual organ. The man has a penis for sexual intercourse, and it doesn't determine his sexual desires. Even if one were to blame this organ, what kind of remedy is it to cut the woman and reduce the man? Such a remedy lacks approval in law and religion. No one can prove that cutting a man's sexual organ will stop him from homosexual activity¹.

5) Circumcision and marital life

A) Male circumcision and marital life

Those who sustain that male circumcision reduces sexual pleasure of both man and woman believe, therefore, that it has a negative effect on marital life because sexual intercourse is an important component.

Maimonides said that: "It is hard for a woman, with whom an uncircumcised had sexual intercourse, to separate from him"². A survey made on women having had sexual intercourse with circumcised and uncircumcised men confirmed this affirmation. It showed that women felt more intimate with their unaltered partners and that marital longevity was increased when the male had a foreskin³.

Ronald Goldman cited a survey of 4500 women that demonstrated 80% of them are unsatisfied with their husbands, and that 90% of women divorced because of the isolation and a lack of feeling between them. They would have preferred that their husbands were more communicative and more emotional with them. The defect of emotion occurs more in men than women probably because men get less affection than women from their parents. One factor is the sudden shock of circumcision notably when happens at a young age. The shock influences the person's psychological health, creates problems within the couple, and drives them to divorce. Goldman established a relation between the rate of male circumcision in the United States and the rate of the divorce in this country⁴.

Proponents of male circumcision realized this problem and tried to prove the opposite while affirming that circumcision contributes to the longevity of marriage. So a study published in 1998 said that circumcision, like all ablation, influences the brain, notably when it takes place at a young age. This influence affects sexual intercourse while reducing sexual desire. This study refers to the aforesaid Maimonides' text. The reduction, according to this study, reinforced the maintenance of the Jewish community for the following reasons:

- It decreases violence in youngsters and their competition for women.
- It puts the man on a par with woman, as women are less impulsive in sexual intercourse.
- Sexual balance between the man and woman maintains the marriage and reduces extra-marital sexual intercourse⁵.

But if circumcision is useful for maintenance of the community, why don't all communities perform it? This study answers that some communities follow an alternative system to calm, control and direct youthful activities, for example by permitting the mixing between men and women. It also asserts that Nordics are often less attracted to sex because of the cold climate⁶.

¹ Ramadan, p. 53.

² Maimonides: The Guide for the perplexed, section III, chapter 49.

³ O'Hara; O'Hara, p. 82.

⁴ Goldman: Circumcision the hidden trauma, p. 144-148.

⁵ Immerman; Mackey: A proposed relationship, p. 369-373.

⁶ Ibid., p. 374. See also Immerman; Mackey: A biocultural analysis, p. 265-275.

We will see in the next point that, according to some Muslims, female circumcision reduces concupiscence in the woman, who is judged more impulsive, and puts her in equality with the man. The aforesaid study reversed the argument by saying that it is actually men who are more impulsive. Indeed, this study refers to one of my articles in which I cited the Muslim opinions in question¹.

B) Female circumcision and marital life

Proponents of female circumcision suggest it prevents deviance, and therefore it has a positive influence on marital life. Muhammad Al-Ghawwabi writes:

Men in our countries are often 10, 15, or even 20 years older than their wife. What to think when the man reaches 50 years or more and a reduction of his vitality happens whereas the woman is thirty years old, or even less, having all her sensitive organs intact? How can he preserve his health facing a woman in full youth, very sensual, whereas his sexual impetus cooled? What will be then the result of it? Here the man feels obliged to resort to hashish. But if the woman is half circumcised, her sexual impetus becomes moderate and the man is then equal with the woman².

A contrary opinion is expressed by Dr. Mahran who sees female circumcision as a reason for drug use and of the nervous and psychological tensions driving to violent domestic problems that can end in divorce. He cited that 10% of husbands suffer weakness and premature ejaculation, that 18% resort to drugs, and that 3% married a second wife to solve their sexual and domestic problems³.

Dr. Seham Abd-al-Salam asserts that repeated sexual dissatisfaction drives women to melancholy and makes them nervous and quarrelsome for the least reason. Those who didn't benefit from a sane education and marital life can fall into deviance and also search for other sexual partners to be satisfied⁴.

A female physician from Sierra Leone says that circumcised women in polygamous societies "have tendency to lose taste to life when they achieve that they don't arrive to keep their husband's interest anymore, and that this last transfers his affection toward of other women"⁵. Elsewhere, she says:

From interviews with 50 urban women who had sexual experience before circumcision I found that none had been able to reach the level of satisfaction they knew before circumcision - and were unaware, before the interview, that this deficiency was a result of their circumcision. During these interviews, I was told of women who had striven to find the ideal partner through trial and error until they lost their husbands and their homes. It seems ironic therefore that the operation intended to eliminate promiscuity in fact often have the opposite effect⁶.

We noted earlier that men have difficulties deflowering their wife who underwent Pharaonic circumcision. They can sometimes feel they lack virility and some have committed suicide. A study, in 1982, found that 20% of Sudanese men who took a second wife said they did so only because they could no longer endure the ordeal of penetrating the excessively tight circumcision scars of their first wives after they had given birth⁷. But a problem in

¹ Aldeeb Abu-Sahlieh: *To mutilate*, p. 593.

² Al-Ghawwabi, p. 56-57.

³ Mahran, p. 63.

⁴ Abd-al-Salam: *Al-tashwih*, p. 17-18. See also Abd-al-Salam; Fihmi, p. 79; Rizq, p. 34; Al-Fanjari, p. 15-16 and 23-24.

⁵ Koso-Thomas: *Aperçu*, p. 120.

⁶ Koso-Thomas: *The circumcision*, p. 11.

⁷ Lightfoot-Klein: *Prisoners*, p. 95-96, 101.

Sudan is that the man hurries to divorce his wife if he discovers that she was not infibulated or if he was able to deflower her quickly. The man often thinks she had sexual relations with other men¹. One believes in this country that if a woman is not circumcised, her husband will look for a second woman or will seek out prostitutes².

If female circumcision is assumed by its proponents as a means to maintain the couple, Ombolo, ethnologist from Cameroon, believes the contrary that the macronymphia (stretching of the clitoris and lips) "avoid to the woman frigidity and permits her to be something else, in her sexual intercourse with her husband, which is the procreator". He considers macronymphia as "an important factor of psycho-sexual balance for the woman, and for the couple's harmony and stability"³.

Chapter 6.

Supposed health advantages of circumcision

The American physician Denniston said:

The iatrogenic epidemic of circumcision is sustained by the invention and proliferation of alleged medical reasons. These excuses range from the prevention of masturbation, epilepsy, hysteria, alcoholism, bed-wetting, to cancer and death. In the history of medicine, there has never been so much unfounded data produced to protect a harmful medical practice. As each medical reason is scientifically disproven, new reasons for circumcision are quickly invented. The truth is that these alleged medical reasons are not valid reasons for subjecting infants to invasive penile surgery. The attempt to use science to justify the practice of circumcision is an abuse of science. There are no scientific or medical indications to validate the practice of routine circumcision⁴.

We will see in this chapter some of the advantages invoked by proponents of male and female circumcision to justify them.

Section 1.

Circumcision and cleanliness

1) Cleanliness in ancient texts

Proponents of male circumcision often say the foreskin accumulates dirt that provokes illness. To prevent dirt and illness, they don't see a better means than to cut the foreskin.

Male and female circumcision is called in popular Arabic language *taharah*, meaning purification; and the circumciser: *mutahhir*, purifier. This last term is also used to disinfectant. But it is in vain to look in the Bible for such a justification for circumcision. According to Genesis 17 it is a sign of alliance between Jehovah and the Israelis. Leviticus 12 places the order to circumcise the child inside the norms relative to the purification of women. But some hold that this order was added later to the original text.

Even though the Bible doesn't speak of circumcision as a means of cleanliness, it does not exclude that it could have been one goal in ancient circumcision. We have already reported

¹ Report on the regional seminar on traditional practices, Addis Ababa, 1987, p. 97-98; Toubia; Izett: Female genital mutilation: an overview, p. 8.

² Lightfoot-Klein: Prisoners, p. 7.

³ Ombolo, p. 153.

⁴ Denniston: Circumcision: an iatrogenic epidemic, p. 104.

the saying of Herodotus about Egyptian circumcision¹. Philo also connects Egyptian circumcision with cleanliness:

It promotes the cleanliness of the whole body as befits the consecrated order, and therefore the Egyptians carry the practice to a further extreme and have the bodies of their priests shaved. For some substances, which need to be cleared away, collect and secrete themselves both in the hair and the foreskin².

2) Cleanliness in Arab and Muslim writings

The Koran has no mention of male and female circumcision. On the other hand, Muhammad's narratives, whose authenticity is doubtful, place circumcision among the so-called laws of nature. It is notably the case in the famous narrative: "Five are part of the laws of the nature: circumcising, shaving the pubis, clipping moustaches and nails, and depilating armpits". Annotating Muhammad, Ibn-al-Arabi (d. 1148) said: "Circumcision aims to clean the foreskin of accumulated urine"³. Again, this indicates that circumcision is a necessary condition for purification, without which prayer would not be valid⁴.

Such argument is often repeated in Arab writings. In order to reinforce this argument, Dr. Al-Bar writes:

Numerous researches on uncircumcised children in the United States and Europe prove the difficulty to clean the foreskin and what is below in a regular manner. Even physicians don't know how to proceed in an ideal manner, which doesn't exist⁵.

Muslim authors who distinguish between male and female circumcision justify the distinction by a cleanliness argument. They assume the penile foreskin hides dirt thus requiring its circumcision, which is not the case of the clitoral foreskin⁶. But some evoke the cleanliness argument for both male and female circumcision⁷. Lightfoot-Klein indicates that people in Sudan believe that non-infibulated women get dirt and even worms in their vaginas⁸.

3) Cleanliness in Western sources

Cleanliness constituted, and still constitutes, the main argument of the proponents of male circumcision in the West. These proponents claim that the lack of cleanliness is the reason for numerous sexual illnesses which include cancers of the penis and prostate. But opponents refuse such arguments as demonstrating the American medical profession's sexist attitudes. Male circumcision is urged precisely because it is claimed that since women are misinformed about their own genitals they are, therefore, deficient in genital hygiene. Ergo, they cannot teach proper hygiene to their daughters; and, more to the point, they cannot teach proper genital hygiene to their sons⁹.

Ritter says it's an insult to presume that a child who would grow up to trim his fingernails, blow his nose, brush his teeth, and clean his anus would be too stupid to learn how to retract the foreskin and wash his glans penis, a procedure no more difficult nor demanding in time than washing a finger. He adds that if one accepts the cleanliness argument as the reason for male circumcision, it would be necessary to circumcise women since their sexu-

¹ Herodotus: The History, Book II, 36-37.

² Philo: The special laws, Book I, I.

³ Ibn-al-Arabi: Ahkam al-Qur'an, vol. 1, p. 37.

⁴ See part 2, chapter 3, section 6.I and section 7.4.

⁵ Al-Bar: Al-khitan, p. 80.

⁶ Ramadan, p. 55-56; See also the fatwa of Shaltut, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 7; Al-Sukkari, p. 63.

⁷ Rashid, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 13.

⁸ Lightfoot-Klein: Prisoners, p. 9.

⁹ Wallerstein: Circumcision: an American health fallacy, p. 75.

al organs are more difficult to clean than those of men. However, no one today in the U.S. is advocating cutting off any segment of the female genitalia to insure genital cleanliness¹.

The cleanliness argument has even been invoked in the 1950's in the United States advocating female circumcision. In 1958, Dr. McDonald wrote a medical magazine article stating:

The infant clitoris is hidden. The prepuce covers at birth. The midline raphe is invariably intact ... It may remain intact into late multiparous life... When the raphe does not open, smegma accumulation can cause trouble. If the raphe opens only a pinpoint, bacteria can enter to cause contamination of the debris. Then come the symptoms of irritation, scratching, irritability, masturbation, frequency, and urgency. In adults ... (painful intercourse) and frigidity... The same reasons that apply for the circumcision of males are generally valid when considered for the female².

Opponents give indications how to take care of the child's penis because in the majority of cases, the foreskin is not detached from the glans before age three. The penis must be washed like any other organ, but it is necessary to avoid withdrawing the foreskin forcibly. The child must do this himself while manipulating it. Only he is capable of knowing what he can do without harmful tearing. With age, the foreskin naturally detaches itself from the glans. And if the foreskin rips, it may be necessary to apply a dressing or keep the penis open to air. It is also necessary to examine the child's food. Fruit juices may provoke inflammation because of its acidity. Also detergents used to wash the child's clothes may cause a contact dermatitis. In any case, it is better that the foreskin ignites than the glans, because the foreskin is the natural protection of this last.

Section 2.

Circumcision and prevention of masturbation

Prevention of masturbation was often invoked in the West to justify male and female circumcision. Never mentioned in the classic Arabian sources, it is now often repeated by contemporary Arab sources. We start with the Muslim position.

1) Masturbation in Arab and Muslim sources

A) Muslims and masturbation

The Muslim sources consider the masturbation as a forbidden act according to the following Koranic verses:

- Successful indeed are the believers [...] who maintain their chastity. Only with their spouses, or those who are rightfully theirs, do they have sexual relations; they are not to be blamed. Those who transgress these limits are sinners (23:1 and 5-7).
- Those who cannot afford to get married shall maintain morality until God provides for them from His grace (24:33).
- He exhorts them to be righteous, enjoins them from evil (7:157).

The classic jurists don't permit masturbation other than a means to avoid adultery. One who does it in this case chooses the least improper solution³. Al-Juzayri summarizes their position in these terms: "According to the jurists' consensus, legal sanction [relative to adultery] won't be applied for masturbation because it is an incomplete pleasure, even though it is

¹ Ritter, p. 8-1.

² Quoted by Romberg: Circumcision, p. 23.

³ Al-Qurtubi: Al-jami, vol. 12, p. 105-106.

forbidden. But one who masturbates must be punished by a *discretionary correction*¹. Itfish, an Ibadite jurist (d. 1914), was very strict. Whoever sees a man or a woman masturbating can summon them to stop. If they don't stop, he can fight them as rebels². Ibn-Hazm (d. 1064) is on the contrary very liberal. He permits masturbation invoking the verse: "He already indicated to you what was forbidden you" (6:119). As the Koran does not explicitly forbid masturbation it means that it is not forbidden. Ibn-Hazm invokes the verse: "It is he who created for you everything on earth" (2:29). He adds however: "Such an act is repugnant because it is not matter of a good customs or virtue"³. He requires washing after the masturbation according to the verse: "If you are unclean, purify yourselves" (5:6). But, contrary to the other jurists, he surmises that masturbation doesn't invalidate the fasting, the spiritual retirement or the pilgrimage⁴.

Today, Muslim authors don't permit masturbation other than to avoid adultery. In addition of the above verses, they invoke: "Be not cast by your own hands to ruin" (2:195), as well as Muhammad's narrative: "There should be neither damage nor a reciprocal damage". A Saudi author writes that masturbation is a harmful act. It can provoke negative effects on physical, sexual, and psychological levels.

- On the physical level: weariness of strengths, thinning, tremor of members, beating of the heart, decrease of the view, gastric mess, tuberculosis and anaemia.
- On the sexual level: sexual impotence. This one causes the misunderstanding between the spouses, their separation or the conjugal treason.
- On the psychological and mental level: distraction, oblivion, weakness of will and of the memory, isolation, shame, fear, laziness, melancholy, suicidal thought and other damages that paralyze the mind, dissolves the will and destroys the personality⁵.

With regard to women, an author from Oman writes that masturbation induces her with the following negative effects:

- Her breasts fall and tremble; a pestilential whitish matter secretes of it; the girl seems silly and ends up sinking into lunacy.
- Feeling of guilt.
- Sexual organ inflammation and vaginal secretions difficult to heal.
- Thickening of the labia minora, painful and difficult sexual intercourse.
- Tearing of the hymen, injuries of the labia majora and strong haemorrhage.
- Difficulty to achieve orgasm outside of masturbation may lead to matrimonial failure⁶.

To prevent this habit, the two above authors counsel: precocious marriage, fasting, remoteness from excitement, good company, cold baths, sport, non-spicy food, moderate consumption of tea, coffee and meat, not to sleep on the back or stomach⁷.

This black picture that current Muslim authors draw about masturbation is absent in classic jurists. Some Muslim authors however try to reverse this rigorist concept. They believe all

¹ Al-Juzayri, vol. 5, p. 152.

² Itfish, vol. 14, p. 559.

³ Ibn-Hazm, vol. 11, p. 392-393.

⁴ On masturbation in Muslim law see: Mawsu'at al-fiqh al-islami, vol. 8, under istimna.

⁵ Alwan, vol. 1, p. 229-230.

⁶ Al-Riyami, p. 42-43.

⁷ Alwan, vol. 1, p. 232-237; Al-Riyami, p. 72-82.

evils assigned to masturbation are ungrounded, and masturbation in itself can be useful for the rest of the body, but it is necessary to avoid over doing it¹.

B) Circumcision and masturbation

The preceding Muslim jurists considered masturbation a forbidden act, repugnant and unauthorized. To prevent it, they counselled fasting, prayer, and marriage and never spoke of circumcision as a means of prevention. It is very strange that the modern Muslim authors favourable to male and female circumcision often resort to this argument. By so doing, they adopt the Western concept that prevailed some time ago, and of which we will speak in the following point. These authors however are unaware how this concept was born in the West and what happened with it.

Al-Sukkari writes that male circumcision "protects the person from numerous illnesses including cancer and incontinence, while reducing excess masturbation"².

Nur Al-Sayyid Rashid writes: "Male circumcision reduces danger of excessive masturbation because the foreskin's accumulated secretions underneath excite the sexual nerves on the glans, pushing the teenager to scrape his glans, to caress it and to caress his penis". She holds that female circumcision consists in cutting the clitoral foreskin "because this tissue causes over-lubrication and excess masturbation by reason of rubbing the clitoris"³.

Dr. Al-Ghawwabi says that female circumcision consists in cutting the clitoris and labia minora because the clitoris "erects as the man's organ and pushes the woman to masturbate provoking numerous illnesses and the thickening of the labia minora in a repugnant manner"⁴.

Dr. Ramadan rejects the justification of female circumcision by it preventing masturbation. He says that if it were necessary to circumcise girls to stop them from masturbating, it would be necessary to also cut the glans of boys to make them stop masturbating, especially as masturbation is more dangerous for them than for girls. The girl masturbates with or without a clitoris. And if she masturbates, it is because of idleness, isolation, difficulty to get married, and media excitation. Some brides also masturbate when they fail to enjoy sexual intercourse⁵.

2) Masturbation in Western sources

A) Jews, Christians and masturbation

The previous Muslim concept about masturbation and circumcision for prevention comes from Western Christians who developed a masturbation phobia under Jewish influence. Their justification is Genesis 38:6-10 that tells the history of Onan, the origin of the misapplied word *onanism* designating masturbation. It says:

Judah took a wife for Er his firstborn; her name was Tamar. But Er, Judah's firstborn, was wicked in the sight of the Lord, and the Lord put him to death. Then Judah said to Onan: "Go in to your brother's wife and perform the duty of a brother-in-law to her; raise up offspring for your brother". But since Onan knew that the offspring would not be his, he spilled his semen on the ground whenever he went in to his brother's wife, so that he would not give offspring to his brother. What he did was displeasing in the sight of the Lord, and he put him to death also.

¹ See Kisk, p. 77; Al-Qabbani, p. 178-179; Al-Huwayni, p. 41-42.

² Al-Sukkari, p. 64. See also Ibn-Asakir, preface of Al-Sayyid, p. 12-13.

³ Rashid, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 13.

⁴ Al-Ghawwabi, p. 62. See also Ammar, p. 47; Al-Jamal, p. 52.

⁵ Ramadan, p. 60.

This text refers to a Jewish norm, still in force, obliging a brother-in-law to marry the wife of his dead brother without progeny to assure him a son (Dt 25:5-10). Onan broke this norm by exercising interrupted coitus preventing his sister-in-law from becoming pregnant, an act that Jehovah punished by death. By extensive interpretation, the rabbis deducted that drawing semen uselessly by masturbation is reprehensible.

The *Mishnah* condemns male masturbation in these severe terms: "Every hand that makes frequent examination is in the case of women praiseworthy, but in the case of men it ought to be cut off". The woman in this text is supposed to self-examine if she has her period in order to respect the religious purification norms. For this reason her gesture is praiseworthy. Besides, the woman is considered less sensible than the man with regard to sexual excitation. The Talmud reports a debate between rabbis around this text of the *Mishnah* of which the main elements are:

Rabbi Eliezer said: "Whoever holds his member when he urinates is as though he brings a flood on the world". But, they said to rabbi Eliezer, "Would not the spray bespatter his feet and he would appear to be maimed in his privy parts so that he would be the cause of casting upon his children the reflection of being illegitimate?" He answered, "It is preferable that a man should be the cause of casting upon his children the reflection of being illegitimate than that he should make himself a wicked man, even for a while, before the Omnipresent. Mentioning Genesis 38:7, rabbi Johanan stated: "Whosoever emits semen in vain deserves death". Rabbi Isaac and rabbi Ammi said: "He is as though he shed blood, for it is said in Scripture: "you that burn with lust among the oaks, under every green tree; you that slaughter your children in the valleys, under the clefts of the rocks" (Is 57:5). Rabbi Assi said: "He is as the one that adores idols", in reference to "every green tree"¹.

Maimonides (d. 1204) takes the position of the Talmud and says that the masturbator looks like the one who kills a human being. He refers here to Isaiah 1:15: "Your hands are full of blood". In order to avoid the masturbation, he said:

A man is [...] forbidden to sleep on his back, face upwards, unless he inclines a little to one side, in order not to bring about an erection. Nor should he look at domestic animals, wild beasts, or birds when male and female are mating [...]. Similarly, a man is forbidden to gaze upon women while they are bending over their washing, and he is even forbidden to look at the brightly coloured clothes belonging to a woman whom he knows [...]. An unmarried man is forbidden to take hold of his privy parts [...]. He should not even insert his hand below the navel [...]. When he urinates, he should not hold his organ, but if he is married, he may do so. Whether he is married or not, he should never put his hand to his organ, except when relieving himself [...]. It is an injunction of the Sages that a man should marry off his sons and daughters as near to puberty as possible, for if he leaves them unmarried they will be led to adultery or to indecent thoughts².

Besides the above Old Testament text, Christian theologians added from Paul with:

Do not be deceived! Fornicators, idolaters, adulterers, male prostitutes, sodomites, thieves, the greedy, drunkards, revilers, robbers - none of these will inherit the kingdom of God (I Co 6:9-10).

¹ The Talmud of Babylonia (Nidda 31a-31b), vol. 17, p. 84-89. See also Bonsirven, p. 156, par. 643 and p. 647-648, par. 2319.

² Rosner, p. 104-105.

The term *male prostitutes* (in Latin: *molles*) had been understood as indicating those who masturbate. One deducted the Latin term of *mollities* as the equivalent of masturbation, instead of implying homosexuals. But if masturbation had been condemned as a religious sin, it began to be assigned negative effects for health only since the 17th century. In 1670, German physician Etmüller put forth one reason for gonorrhoea as "the abominable masturbation". Thirty years later, the English physician Baynard counselled for cold baths to fight against "this cursed school vice of masturbation" that provokes impotence¹.

In London, 1715 began the phobia against masturbation, when a booklet appeared titled: *Onania, or the heinous sin of self-pollution, and all its frightful consequences in both sexes considered, with spiritual and physical advice to those who have already injured themselves by this abominable practice*.

The title *Onania* refers to the biblical story of Onan. The author's name remains unknown and it's assumed he was a quack. Basing himself on the two previous physicians, he assigned to masturbation gonorrhoea and impotence, while adding other illnesses as preventing growth, ulcers, convulsions, epilepsy, consumption, and death. And even though the masturbator procreates, he risks having puny children who won't live until adulthood. The woman who masturbates exposes herself to barrenness or repeated miscarriages.

The booklet adds that even those that don't feel these physical inconveniences are threatened by God's judgment. Miseries, grieves, disappointments in business can happen to them. They don't have the right to pity themselves; it is God who exercises his justice on them.

This booklet was a success. It had successive editions until 1778; it was translated into several languages². It influenced Western thought though some criticized it. Between 1743-1745, there appeared in London a large medical dictionary, translated and published in French in 1746-1748. Under the name *Masupratio* it said that masturbation is "a vice that modesty doesn't permit to name, and that it is followed by terrifying and customarily incurable illnesses"³.

The booklet's biggest influence was on the Swiss physician Samuel-Augustus Tissot (d. 1797) who contributed, by his notoriety, to distributing the masturbation phobia. In 1758, he published an appendix on masturbation to a work in Latin dedicated to bilious fevers. Two years later, Tissot published a French version, amplified considerably, titled *The onanism, or physical dissertation on illnesses produced by the masturbation*. This book was reissued every year until 1782, and was translated into numerous European languages⁴. Tissot was a friend of Rousseau, who practiced masturbation and warned against its dangers⁵.

The English impostor and the Swiss physician rooted the masturbation phobia in Europe and, thereafter, in the United States during the 19th century. In 1819, the *Dictionary of Medical Sciences* said: "The terrifying effects that drag... the fatal habit of masturbation was the object of the works of the most famous physicians of all times... According to them, the continual excitation of genitalia gives rise to nearly all sharp or chronic illnesses that can disturb the harmony of our functions"⁶.

¹ Stengers; Van Neck, p. 44.

² Ibid., p. 49-64.

³ Ibid., p. 69.

⁴ Ibid., p. 72-89.

⁵ Ibid., p. 70-72.

⁶ Ibid., p. 12.

The masturbation phobia has been accompanied by a theory in which all disease could be reduced to one basic causal model, either the diminution or increase of nervous energy. Based upon his medical studies in Edinburgh, this theory was espoused and articulated by the famous American physician, Dr. Benjamin Rush. If nervous energy was the basis of all disease, one of the most obvious expenditures of such energy was orgasm. In 1812, Dr. Rush wrote that overindulgence in sex resulted in seminal weakness, impotence, dysuria, tabes dorsalis, pulmonary consumptions, dyspepsia, dimness of sight, vertigo, epilepsy, hypochondriasis, loss of memory, malangia, fatuity and death. An 1855 editorial in the *New Orleans Medical Journal* stated:

Neither the plague, nor war, nor small pox, nor a crowd of similar evils have resulted more disastrously for humanity, than the habit of masturbation, it is the destroying element of civilized society¹.

The phobia of sexual excess and masturbation spilled in all Western countries. It was especially the case in England and the United States under the influence of the puritanical values of the Victorian era (1837-1901). The ruling class had to keep its sexual energy to maintain its domination over other classes. This theory was widely popularized in the United States by the physician George M. Beard who, over a period of 15 years (1869-1884), insisted on the necessity for intellectuals to keep their nervous energy by sexual limitation. It was within this context that sexual conduct was carefully defined. Some urged that sexual intercourse between married couples be limited to one indulgence each lunar month. Others urged sex only for procreation. Children begotten in the moments of intoxication remained stupid and idiots their whole life. A pregnant woman who enjoyed sex was sure to miscarry².

John Harvey Kellogg, father of the famous Kellogg's breakfast cereal, was a prominent person in the struggle against masturbation. He made a fortune from selling books persuading people that masturbation was a disease. He blamed masturbation for thirty-one different ailments³.

However medicine began to modify its attitude to masturbation. In 1975, the English doctor James Paget said: "I believe that you can teach very positively that masturbation doesn't do more damage than sexual relations performed with the same frequency, in the same conditions of general health, age, and circumstance". For him, the negative effects are bound to excesses, and not to their method⁴.

In 1877, French doctor Charles Mauriac wrote the article titled *Onanism and venereal excesses* in Jaccoud's *Dictionary of medicine and surgery practices*. He described, as his predecessors, troublesome consequences for masturbating, while denouncing the exaggerations made in assigning all other problems, whatever their source, to masturbation, as Tissot did⁵. In 1917, the German sex therapist Magnus Hirschfeld denounced everything that had been written about the damages of masturbation. According to him, one could never have demonstrated that it causes any consequences to health. The *Larousse médical illustré*, of 1922, again warned against misdemeanours of masturbation, but two years later, it published a different text: "parents are wrong to become alarmed of a habit that for the most part does not have any serious inconveniences... Onanism does not deserve the im-

¹ Wallerstein: Circumcision: an American health fallacy, p. 32 and 36.

² Ibid., p. 34-35.

³ Goldman: Circumcision the hidden trauma, p. 58-59

⁴ Stengers; Van Neck, p. 136-137.

⁵ Ibid., p. 138-140.

portance that some writers wrongly grant it"¹. As for the sex therapist Oswald Schwarz, he affirmed in 1949: "One will never insist enough on the fact that no harm physical or mental, temporary or lasting, is provoked by masturbation"².

Ideas also began to change on the theological level. In 1966, Father A. Plé, a Dominican, expressed doubts on the validity of arguments that traditionally served to support the notion of mortal sin. He wrote: "One would not know how to make higher educational clumsiness than aggravating, by the fear of sin, the anguish and psychological guilt usually bound to masturbation"³. But the *Congregation for the doctrine of the faith* published in 1976 a declaration condemning in the same time homosexuality, sexual relations before the marriage and masturbation⁴. Father René Simon, professor of the Catholic institute of Paris replied to this declaration: "The drama of the church is to repeat in imperative fashion the ethical norm concerning sexuality, in a context that modified radically the concept that we have of sexuality"⁵.

B) Circumcision and masturbation

As one might expect, in line with a practice considered dangerous, it was necessary to find means for its eradication. In addition to spiritual repentance, mortification and good works, physicians recommended non-surgical and surgical means.

a) Non surgical means

Physicians, educators and thinkers have recommended many non-surgical means. One urged to wash genitalia with the cold water, to do sports until weary, so that the young man can throw himself in bed tired, and sleep without thinking about masturbating. One regulated the sleeper's position. Another advised not to sleep on the back or on the left side. If the child leaned too much, some proposed to make him lie down with an adult of the same sex⁶.

One had also to follow a food regime. The author of *Onania* recommended avoiding foods such as beans, peas, and artichokes that have the effect of inflating the genital parts. He advertised two products he invented that the reader could of course acquire at a bookstore that sells his book: a *Strengthening Tincture*, for 10 shillings per bottle, and *Prolific Powder*, for 12 shillings per sachet. The first was supposed to act in general against gonorrhoea, nocturnal pollutions, and out-flows of semen. The second was to cure impotence and barrenness⁷.

Tissot proposed: pure air, a good food regime excluding hard and indigestible meats and fruits; lots of milk; no tea or coffee, not to sleep too much; strong exercise; tonics, and mainly cinchona, cold baths, martial waters. But the most efficient active means was to put the poor wretch in front of the *Painting of Danger*. One must put him by the frightening picture of what will await him: general withering of the machine; weakening of all bodily senses, and all faculties of the soul; loss of the imagination and memory; imbecility; contempt; shame; ignominy; uneasy, suspended painful functions; troublesome bizarre and disgusting illnesses, sharp and always resurgent pains, etc. etc. It is recovery by terror⁸.

¹ Ibid., p. 167-168.

² Ibid., p. 170-171.

³ Ibid., p. 183.

⁴ Ibid., p. 184.

⁵ Interview in *Nouvel Observateur*, 9.2.1976, p. 35, quoted by Stengers; Van Neck, p. 185.

⁶ Stengers; Van Neck, p. 20-21.

⁷ Ibid., p. 52-53.

⁸ Ibid., p. 87-88.

Pastor Salzman, after having left his pastoral duties, founded in 1784 his own school. He wrote a book titled *About the Secret Sin* in which he counsels how to avoid what puts youngsters on the road to evil. It is notably bad books, some schoolbooks, pernicious Latin authors as Ovid, or even some parts of the Bible as Lot, David or Salomon. He recommended physical exercise, provided that it doesn't provoke frictions. Thus, it is necessary that children avoid climbing trees. Horsemanship can also present perils, especially when galloping. It was necessary to forbid pupils from carrying long coats that offer easy access to vice. It was also necessary to make restrooms so children could be observed; to supervise the length of the child's stay in places; never to allow two children, or more, to go anywhere together¹.

Dr. Bernard of Mandeville of England proposed, in 1724, to fight against masturbation by the establishment of public stews. A whorehouse was considered less dangerous than masturbation². In *Émile*, Rousseau (d. 1778) suggested that it is worthier to frequent prostitutes than to exercise this vice³. Kant (d. 1804) also raised the problem of choice for a young man between masturbation and the "relation with a person of the other sex": "If it is necessary to choose one of the two parties, the last is definitely better"⁴.

Mechanical means of prevention also began to be invented, under the shape of special clothes. Le Clerc, a Paris physician and admirer of Tissot, indicated about 1785, in a letter addressed to *Journal de littérature*, that he found "an outside means which is simple and efficient, a species of particular garment". He assured that this means was already proved⁵. Vogel, a German physician, recommend in 1786 "fine panties of linen to prevent genital touch", or better panties closed in the front entirely, with a small lock whose key the child must ask for. He also described a tie system passed over the shoulders and on the back and then rolled up to the arms in order to prevent them moving lower than the navel⁶.

A medical dictionary published in Paris in 1881 said: "Today, one imagines a great number of devices for boys or girls. These devices must answer to an identical indication: to jail the child or adult's genitalia to stop him from putting his hands there, while permitting the outflow of menses and faeces. One understands how much this instrumentation can be varied"⁷. The United States Patent Office issued about 20 patents for medical appliances to prevent masturbation. The earliest was recorded in 1861, the latest in 1932⁸. In the 1914 edition of *Infant Care*, the Children's Office of the American government recommended to parents *mechanical means* to eradicate this harmful practice that risks ruining the child for life. At night, for example, it would be necessary to hinder the hands, while attaching the sleeves of sleepwear to the bed, and also to attach the feet. These mechanical means were also mentioned in the 1921 edition. By the edition of 1929, *Infant Care* doesn't believe anymore in the "mechanical means" treatment and on the contrary puts parents on guard against all treatment that could mark the child psychologically⁹.

¹ Ibid., p. 101-103.

² Ibid., p. 67-68.

³ Ibid., p. 71.

⁴ Kant: Ueber Pädagogik, dans *Gesammelte Schriften*, t. IX, Berlin-Leipzig, 1923, p. 497-498, quoted by Stengers; Van Neck, p. 105.

⁵ Stengers; Van Neck, p. 96-97.

⁶ Ibid., p. 100.

⁷ Ibid., p. 23.

⁸ Wallerstein: Circumcision: an American health fallacy, p. 36.

⁹ Stengers; Van Neck, p. 168-169.

b) Surgical means

In addition of the above means, physicians recommended performing some surgical operations to those who could pay their price, notably the high class to which physicians belonged. Among these means, Vogel, a German author in the late 18th century, proposed infibulation, a practice known by the Greeks and Romans, as we will see in the social debate. Three years later, his compatriot Jaeger adopts the same proposition. He wrote:

All warnings, all vivid stories of death, the devil and eternal damnation is lot upon the soul of such a slave of lust, just as a drop of water upon a glowing coal. How shall we meet this unspeakable misery? There is one way which witnesses declare to meet with desired result, and which I advise urgently in doubtful cases. That method is infibulation¹.

A debate on 13 January 1864, at the Society of Surgery of Paris mentions the different methods used by the physicians of that time to prevent masturbation. The physician Broca told he resorted to infibulation that he described as follows:

I unite two thirds of the superior or anterior labia majora with the help of a metallic suture, leaving on the inferior part an opening admitting with pain the small finger, for the out-flow of urine and later the menstrual blood. Today the closing is perfected, and the clitoris is placed out of all reach under a thick cushion of soft parts. I intend to continue the use of all other means, active surveillance, chastity belt, etc., only considering infibulation an important adjunct.

Dr. Déguisé doubts the efficiency of infibulation and demands to Dr. Broca

Why didn't he use the means that succeeded me, cauterization? During a whole year, with a nearly cruel persistence, despite supplications of the young patient, I maintained in the urethral channel, by repeated cauterizations, a painful enough irritation to make impossible all touching. Today the young boy is a young man who thanks me for my tenacity.

Dr. Richet told to have performed the complete amputation of the clitoris, but without great success. As for Dr. Guersant, he explains:

I generally failed in my tentative to heal masturbation; however, I succeeded in three cases at stopping these fatal habits by instituting a kind of incomplete operation of phimosis [shrinkage of the opening of the foreskin], of which I prolonged bandaging during six weeks or two months, or for small girls, in resecting and cauterizing the preputial fold of the clitoris. One conceives that these operations especially were a kind of moral action by inspiring to children a beneficial fright.

Dr. Guérin resorts to the bromide of potassium, without utility:

Once, in the sick of the city, I destroyed the clitoris completely without arriving to extinguish the desire of masturbation².

In 1920, a popular Ohio medical book recommended infibulation against confirmed masturbators³.

In 1887, Dr. Milton proposed utilizing rings with sharp tips when placed on the penis caused quick pain in beginning erections. He provided a diagram of a ring that is joined to a small electric alarm bell. An erection triggered tooting. This device was less painful than those with sharp tips or teeth, but its inconvenience was its price: it costs five pound ster-

¹ Dingwall: Male infibulation, p. 51-52.

² Stengers; Van Neck, p. 124-127.

³ Erlich: Les mutilations sexuelles, p. 73.

ling¹. Dingwall wrote, in 1925, that he discovered an advertisement for a ring against masturbation in a catalogue of a London firm. It was the Dr. Waters' Ring that was highly recommended to give the sleeper timely warning and constructed of the finest tempered material and a nickel-plated spring².

The French physician Claude-François Lallemand prescribed male circumcision as performed nearly exclusively by European Jews, in 1836 as a means to fight masturbation. In the U.S., Lallemand's use of circumcision caught the attention of Dr. Edward H. Dixon. In his book: *A Treatise on Diseases of the Sexual Organs*, Dixon revealed himself to be one of the first North American advocates of both therapeutic foreskin amputation and universal imposition of the ancient Hebrew rite of infant circumcision³. But it was especially the Jewish physicians in America who contributed to the mass social circumcisions. Two early proselytizers were Abraham Jacobi and M. J. Moses. Both claimed that Jews were immune to masturbation solely because they were circumcised, and that non-Jews were especially prone to masturbation and to the horrible diseases that resulted from masturbation solely because of the foreskin. In 1871, Moses published an extensively quoted article: *The value of circumcision as a hygienic and therapeutic measure* in the *New York Medical Journal*. Moses stated:

As an Israelite, I desire to ventilate the subject, and, as a physician, have chosen the medium of a medical journal, that I may not be trammelled in my expressions, as I necessarily would be were I confined to the pages of an ordinary paper... I refer to masturbation as one of the effects of a long prepuce; not that this vice is entirely absent in those who have undergone circumcision, though I never saw an instance in a Jewish child of very tender years, except as the result of association with children whose covered glans have naturally impelled them to the habit⁴.

This article influenced American physicians who considered it necessary to give up castration as a means to stop masturbation and to replace it with circumcision since it cured all the same diseases as castration but did not affect procreation. An article of 1895 appeared in the *Medical Record* explaining the anti-masturbation theory of circumcision as follows:

In all cases [of masturbation] ... circumcision is undoubtedly the physicians' closest friend and ally... To obtain the best results one must cut away enough skin and mucous membrane to rather put it on the stretch when erections come later. There must be no play in the skin after the wound has thoroughly healed, but it must fit tightly over the penis, for should there be any play the patient will be found to readily resume his practice, not begrudging the time and extra energy required to produce the orgasm. It is true, however, that the longer it takes to have an orgasm, the less frequently it will be attempted, consequently the greater the benefit gained⁵.

Besides the fact that circumcision shortens the foreskin, it also has a dissuasive effect by reason of pain it provokes. In 1888, John Harvey Kellogg recommended performing circumcision "without administering aesthetic, as the pain attending the operation will have a salutary effect upon the mind, especially if connected with the idea or punishment". The sadistic theme of inflicting a just measure of pain, for the patient's own good, forms a common thread in the medical literature around the turn of the 19th century. "I performed an orificial operation", wrote one surgeon in 1889 with barely concealed delight. Having be-

¹ Stengers; Van Neck, p. 128.

² Dingwall: Male infibulation, p. 57.

³ Hodges: A short history, p. 19.

⁴ Ibid., p. 19.

⁵ Ibid., p. 23.

come addicted to "the secret vice practiced among boys", the young patient "needed the rightful punishment of cutting pains for his illicit pleasures"¹.

In 1914, Abraham L. Wolbarst, another Jewish physician, wrote: "It is the moral duty of every physician to encourage circumcision in the young". In 1932, he even argued that adult masturbators be sterilized and forbidden to marry. As a result of Wolbarst's ceaseless lobbying, the radical notion of universal, non-therapeutic, involuntary neonatal circumcision slowly gained acceptance among American physicians. Medical textbooks were re-written to instruct obstetricians and paediatricians to examine the penis of every newborn to determine if the foreskin was retractable. If not, it was advised that it be immediately amputated².

Dr. L. E. Holt, in his book *Diseases of Infancy and Childhood* of 1897, stated that masturbation was to be treated by "mechanical restraint, corporal punishment, and circumcision". For girls, the approach was even more severe and included complete circumcision, cauterization of the clitoris, blistering the inner thighs, the vulva or the prepuce. In his 1936 edition, he admitted that such measures failed to cure masturbation. However male circumcision was still recommended even if there was no pathological condition because "It has proved beneficial by suggestion". In other words, the boy was taught in painful surgical terms that he must stop masturbating³. In 1935, Dr. R. W. Cockshut wrote:

I suggest that all male children be circumcised. This is against nature, but that is exactly the reason why it should be done. Nature intends that the adolescent male shall copulate as often and as promiscuously as possible, and to that end covers the sensitive glans so that it shall be ever ready to receive stimuli. Civilization, on the contrary, requires chastity, and the glans of the circumcised rapidly assumes a leathery texture less sensitive than skin. Thus the adolescent has his attention drawn to his penis much less often. I am convinced that masturbation is much less common in the circumcised. With these considerations in view it does not seem apt to argue that "God knows best how to make little boys"⁴.

With masturbation phobia receding American physicians were not recommending male and female circumcision to stop masturbation as much as before. In 1942, Dr. Benjamin Spock discussed the use of circumcision for both boys and girls to treat masturbation and concluded that "circumcision or other operative procedures should ... be avoided at almost all coasts in the treatment of masturbation"⁵. Despite that comment, he remained in favour of child circumcision, and definitely abandoned it only in 1976. That year, he declared:

I am in favour of leaving the penis alone. Paediatric opinion is swinging away from routine circumcision as unnecessary and at least mildly dangerous. I also believe that there is a potential danger of emotional harm resulting from the operation. Parents should insist on convincing reasons for circumcision -- and there are no convincing reasons that I know of⁶.

Dr. Alan Guttmacher said in 1941 that circumcision makes it easier for the mother to care for her son's genitals because it does not necessitate her handling the penis, or the child himself in later years, and therefore does not focus the male's attention on his own genitals.

¹ Gollaher: Circumcision, p. 103.

² Hodges: A short history, p. 25

³ Wallerstein: Circumcision: an American health fallacy, p. 122-124.

⁴ Sorrells, p. 332.

⁵ Wallerstein: Circumcision: an American health fallacy, p. 125.

⁶ Spock: Letter to Editor.

Masturbation is considered less likely. In 1962, he noted that until the 1940's girls were often circumcised to cure masturbation, but that this is no longer done¹.

To conclude, one notices that circumcision was performed on both boys and girls to fight masturbation. Female circumcision consisted mainly in amputating the clitoris and sometimes infibulating the vagina. The clitoridectomy was inspired from African tribal customs brought back by travellers and anthropologists. Arab, Egyptian, and other African women, it was reported, had enormous clitorises. If not lopped off, the organ would grow to grotesque proportions. More important, or perhaps related to size, was the rampant sexual drive attributed to non-excised women. Clitoridectomy allegedly suppressed hypersexuality².

The term hysteria is derived from the Greek word *hustera* meaning uterus. It indicated neurological and functional troubles. Hysterectomy, ablation of the uterus, was supposed to help the woman to recover her mind. Plato (d. 348 B.C.), tied hysteria to the uterus. He wrote:

The nature of generative part in man is disobedient and headstrong, like a creature that will not listen to reason, and endeavours to have all its will because of its frantic passions; and again for the same reason what is called the matrix and womb in women, which is in them a living nature appetent of childbearing, when it is a long time fruitless beyond the due season, is distressed and sorely disturbed, and straying about in the body and cutting off the passages of the breath it impedes respiration and brings the sufferer into the extremist anguish and provokes all manner of diseases besides; until the passion and love of both unite them, and, as it were plucking fruit from a tree, sow in the womb, as if in a field, living things invisible for smallness and unformed, and again separating them nourish them within till they grow large, and finally bringing them to light complete the birth of a living creature³.

The earliest mention of clitoridectomy was in Berlin, in 1822. Dr. Gustav Braun employed the surgery in Vienna for a brief period in the 1860's. But the only country in Europe where clitoridectomy took hold on a large scale, for a limited period, was England, between 1858-1866. The one name primarily associated with the English experience was Dr. Isaac Baker Brown⁴. Dr. Brown was President of the *Medical Society of London*. He founded a private hospital, the *London Surgical Home*. All types of gynaecological surgeries were performed and the hospital had 3417 visits from physicians from all over the world to observe his techniques. Several physicians came more than once. In the 9 years of the London Surgical Home's existence, with a capacity of 20 to 34 beds, it was possible that several hundred, or perhaps several thousand clitoridectomies were performed.

Dr. Brown was seeking a surgical solution to the vexing mental disorders of women. According to him, the main culprit was masturbation, which caused 8 problems, starting with hysteria and spinal irritation, culminating in mania and death. The treatment was clitoridectomy. In March 1866, he published a slim volume entitled: *The curability of certain forms of insanity, epilepsy, catalepsy and hysteria in females*. A reviewer for the *Church Times* highly recommended the book and urged clergymen to bring their epileptic female parishioners, especially poor ones, to medical attention so they might undergo the operation⁵. But the British medical establishment lowered the boom on Brown. Claimed cures were denied;

¹ Wallerstein: Circumcision: an American health fallacy, p. 125.

² Ibid., p. 13-14, 170-172.

³ Plato: *Timaeus*, 91, B-C (p. 341).

⁴ Wallerstein: Circumcision: an American health fallacy, p. 172.

⁵ Favazza, p. 195

clitoridectomy was called quackery. On April 3, 1867, Dr. Brown was expelled as a fellow of the *Obstetrical Society*. Three weeks later, April 21, 1867, he resigned as President of the *Medical Society* and on August 3, 1867, he resigned from the *London Surgical Home*. His career in shambles, he became ill shortly thereafter and died in 1873. Thus one year after the publication of his book on clitoridectomy, he was disgraced and clitoridectomy fell into disrepute in England¹.

But as clitoridectomy finished quickly in England, it became medically fashionable in the U.S. An American medical periodical made mention of it in 1866, while referring to Dr. Brown who used it for relief of epilepsy, and other nervous affections of women. By the early 1870's, two noted American surgeons Doctors J. Marion Sims and Horatio Storer, combined clitoridectomy with oophorectomy (removal of the ovaries). There are no records of the number of such clitoris-ovary operations performed in the 1870's. The figure is likely in the thousands. Although the combined clitoris-ovary removal was largely discontinued by 1880, clitoridectomy continued on a large scale until the 1890's. Its popularity finally ceased about 1910, because it failed to cure either hypersexuality or masturbation. But in 1940, the Roman Catholic manual for confessors recommended cauterization or amputation of the clitoris as a cure for "the vice of lesbianism". In the U.S. this surgery was in vogue for almost 50 years². Between 1880 and 1937, clitoral foreskin amputation occurred without touching the clitoris³.

Female circumcision continues to be practiced in the United States, but now ironically as means to increase pleasure, as we saw in the previous chapter⁴.

But whatever our position relative to masturbation is, it remains the question to know if circumcised men and women masturbate less than uncircumcised ones? No survey proves it and Western physicians stopped decades ago to justify circumcision by the argument of the struggle against masturbation. This argument is invoked nowadays mainly by Muslim physicians and authors who don't realize that it stopped having respect in the West long ago. Some modern gay men even advocate adult circumcision to intensify excitement during masturbation!

Section 3. Circumcision and sickness

Health is the most precious thing a person can possess. To protect it, we try to avoid illness or treat it. But, it is necessary to start with understanding the source of illness. However, numerous illnesses even today remain a mystery. In the past, illnesses were assigned to evil spirits that lived in impure places, as the foreskin. Or illness was considered God's revenge against those who disobeyed His commands, circumcision being considered of these commands. So one amputated the foreskin to prevent the devil from living there and to accomplish God's command. In this way, circumcision was considered a preventive means, a panacea for all kind of illnesses whose causes are unknown. But even though today physicians don't refer to such religious arguments, they hold that uncircumcised persons are more exposed to illness than uncircumcised ones.

¹ Ibid., p. 195.

² Wallerstein: Circumcision: an American health fallacy, p. 173-174.

³ Ibid., p. 175-176.

⁴ See part 3, chapter 5.2.C.

1) Circumcision and prevention of illnesses

A) Circumcision and prevention in ancient texts

Philo (d. 54) said that the first reason why the ancients circumcised was because

it secures exemption from the severe and almost incurable malady of the prepuce called anthrax or carbuncle, so named, I believe, from the slow fire which it sets up and to which those who retain the foreskin are more susceptible¹.

Elsewhere, he wrote that the legislator permitted circumcision "because of disease". He explained:

Why does He say: "And the child of eight days shall be circumcised, every male"? He commands that the foreskin be circumcised. In the first place this is granted because of disease, for it is more difficult and formidable to cure an affliction of the genitals, which is like a fire to those on which a covering skin grows, but this does not happen to one who is circumcised. Now if there were some way of avoiding other afflictions and diseases as well by cutting off some member or some part of the body, by the removal of which there would be no obstacle to the functioning of its parts, man would not be known as mortal but would be changed into immortality. And that it has pleased some to circumcise themselves through foresight of soul without any ill effect is plain, for not only the Jews but also the Egyptians, Arabs and Ethiopians and nearly all those who inhabit the southern regions near the torrid zone are circumcised. And what is the particular reason if not that in these places, especially in summer, the foreskin of the genitals, which is the skin that surrounds and covers them, becomes inflamed and infected. But when this is cut off, by being laid bare the penis is restored, and the affliction is resisted and expelled. For this reason the nations which are in the northern regions and all those to whom has been allotted a portion in those regions of the earth which are windy are not circumcised. For in those regions, as the heat of the sun is relaxed and diminished, so too is the disease which is produced by heat in the skin of the parts of the body. And a sure indication of the credibility of this matter one may find in the time of year when the disease is especially strong; it never occurs in winter, and it thrives and flourishes when it comes in summer, for it loves, as it were, to spread in this season like fire².

B) Circumcision and prevention in the West

In illnesses considered incurable, Western physicians, notably Americans, often used surgical operations including male and female circumcision. The *Orificial Surgical Society*, founded in 1890 by Dr. E. H. Pratt, a surgeon at *Cook County Hospital* in Chicago, was largely concerned with orifices below the waist, and provided surgical training on the prepuce, clitoris, and rectum. The Society had hundreds of members and supporters nationally, some of whom operated on thousands of patients. A cursory examination of articles in the *Journal of the Orificial Surgical Society* reveals some startling therapeutic practices. As:

- Dr. Cora Smith Eaton circumcised two women to treat headaches.
- Dr. M. K. Kreider circumcised a boy to cure spinal curvature.
- Dr. C. B. Walls used circumcision to treat "hip joint disease" and commented that Jews rarely suffered from this ailment. He further stated that "60% of the insane are so because of some abnormal condition of their sexual organs".
- Dr. T. E. Costain recommended circumcision as treatment for hydrocephaly³.

¹ Philo: The special laws, Book I, I.

² Philo: Questions and answers on Genesis, Book III, 48.

³ Wallerstein: Circumcision: an American health fallacy, p. 38-39.

Circumcision as a panacea for numerous illnesses was reflected in the *Journal of the American medical association* that, in 1910, published an article introducing a new circumcision clamp. The physician-author claimed this device was so simple to use that men and women could now perform circumcision upon themselves¹.

Wallerstein explained that differences in the American and European approach had not been explained. It may be hypothesized that the enormous reservoir of experimental material in the United States among black and immigrant women made such surgery relatively easy without criticism. Moribund or refuse slaves were sold for as little as a dollar and usually purchased as speculation or by surgeons. The Negro has always been appropriated as choice "clinical material" by the medical profession. Negroes were always next in line behind experimental animals².

Circumcision on the newborn is also used as an excuse to prevent it later. Parents are warned that if they reject this infant surgery, they may only be postponing the procedure to a later time when the operation would be more troublesome and serious; ergo, it is better to "get it over with now". This concept developed with the hospital birthing system. But opponents of male circumcision contest such an argument. In countries as Norway and Finland that don't circumcise, the rate of circumcision for medical reasons is not more than six for 100,000 boys. When there are problems of health in these countries, physicians resort to medicines instead of scalpels. Even in the United States where physicians are more inclined to use the scalpel, the number of boys over 15 years who undergo circumcision is not more than 3 out of 1,000. Certainly some males have the procedure done for medical reasons, but others have the operation for non-medical reasons including: cosmetics; religious conversion to the Jewish or Moslem faiths; and the urging of wives based upon the false fear of getting cancer³.

C) Circumcision and prevention in Arab and African texts

Western medical thought influenced Arabian physicians since the 19th century. Dr. Soubhy, who studied in Paris, echoed the Western debate relative to male and female circumcision. In a book published in 1894, he said:

Circumcision, for one and the other sex, is a measure of hygiene and prudence [...].

For boys, circumcision has the goal of foreskin removal. To demonstrate the utility of this practice would be useless. You prune a tree, and the tree becomes stronger; the sap that had to circulate through the frail and unfruitful branches, fortifies the branches apt to carry fruits. I lean on this comparison and say: Nutrition removed from the useless foreskin will necessarily go to the testes and these, in their development, will make spermatozoids more fruitful. Besides, circumcision is hygienic, because it strengthens the epidermis of the glans and hence prevents the absorption of different viruses or, to say better, prevents venereal illnesses, so numerous nowadays in Europe.

For girls, circumcision consists in removing the clitoris. Its first, and so to say, unique goal, is to prevent hysteria, very rare in Oriental women where this operation is performed. The experience is, indeed, there to prove it for us every day. The extreme sensitivity of the clitoris, while radiating through the nervous system, can generate various illnesses, all presenting a character of real gravity. Does this radiance attack the ovaries? In its illegitimate development, it absorbs the nutrition of the Bladders of Graaf and their content, or, to say better, makes the woman sterile. If it reaches the lungs, it

¹ Ibid., p. 39.

² Ibid., p. 38.

³ Ibid., p. 127-134; Ritter, p. 34-1.

provokes congestion, pulmonary unrests, and those are necessarily affected in their development or their vitality. If it goes up to the heart, the woman feels some nervous palpitations. In the stomach, it causes unrests, that is indigestions, lack of appetite, vomiting. If this radiance reaches the intestines, it provokes (intestinal) dyspepsias characterized by diarrhoeas and constipations. Sometimes it affects the brain and then it provokes neuroses: lunacy, epilepsy, hysteria, etc., etc. Finally, if it reaches the great intestine, it causes some deep unrests in the vitality of the tissues and results in a complete weariness that ends up by a slow inevitable death [...].

It would be wishful that, for reasons of hygiene, I was going to say of cleanliness, the male children, whatever is the cult to which they belong, undergo the circumcision; and that, in certain families where there are some hereditary illnesses, as epilepsy, hysteria or lunacy, girls would also have to submit to the operation that I indicated, to decrease or to annihilate these predispositions. Consequences of these two operations are not as painful as one could believe. For boys, immediate healing can be reached in twenty-four hours (in case of suppuration one week at most). For girls, in thirty-six hours they are in their normal state again¹.

Western legends relative to the preventive aspect of male and female circumcision do not differ from African legends. Koso-Thomas points out that it is often argued that circumcision maintains good health in a woman. Evidence is often quoted of girls who were always sick, but after being circumcised, became healthy, hale, and hearty. Circumcision is often credited with healing powers. It is claimed to have cured women suffering from melancholia, nymphomania, hysteria, insanity, and epilepsy, as well as kleptomania and proneness to truancy².

This manner to attribute circumcision a preventive means and panacea to all kind of illnesses can be assimilated to the practices of Asian prostitutes who tattoo their sexual organs as amulets to ward off venereal disease³. We will see in the following points the five most invoked illnesses that circumcision is supposed to prevent: venereal disease, cancer, phimosis, urinary infection, and more recently AIDS. But one must keep in mind that nearly all illnesses, including lunacy, baldness and back stiffness, have been invoked at one time or another, all being prevented by circumcision. The only illness that has not been mentioned by physicians is probably hay fever. But it could come later.

2) Venereal disease

A) Arab sources

Two Arab physicians who wrote books assert that male circumcision prevents venereal disease, basing themselves exclusively on Western sources favourable to male circumcision. We will limit one paragraph from each of these two physicians. Dr. Pasha writes:

There is no doubt that all venereal diseases are more expanded among uncircumcised men than circumcised ones. Dr. Fink published in 1988 a book on circumcision [...] in which he reviewed more than 60 scientific studies which all prove venereal disease higher in uncircumcised men⁴.

Dr. Al-Bar writes:

Many researchers recognize the role of circumcision in reducing venereal disease. Since the Second World War and Korean War American army instructions largely impose

¹ Soubhy, p. 127-129.

² Koso-Thomas: The circumcision, p. 9, 11-12.

³ Favazza, p. 152.

⁴ Pasha, p. 54. He quotes Fink: Circumcision: a parent's decision for life.

circumcision because it reduces cases of inflammation of the glans and protects to a certain extent against venereal diseases¹.

B) Western sources

Before the discovery of microbes, venereal diseases as syphilis provoked terror in the West, much as AIDS has in recent decades. By the 1880's, a syphilophobia had developed in the U.S. Syphilis was viewed as God's punishment for evildoers, and a few physicians even refused to treat such patients².

A study, conducted in 1855, at the Metropolitan Free Hospital in London showed that of all religious groups Jews had the lowest venereal disease rate. An American replication study in 1884 showed identical results. Both studies concluded circumcision was the reason³. No one thought that the reason for the lower rate could be due to sexual behaviour. Indeed, this group was protected by a ghetto and tribal system that reduced sexual relations with non-Jewish prostitutes, relations forbidden by laws throughout the centuries. Besides, the Jews had some hygienic practices as the ritual bath that also protect them from such infections⁴.

At the height of the popular hysteria over venereal disease, Dr. Eugene A. Hand, a military physician, delivered a paper, entitled *Circumcision and venereal disease*, at the annual meeting of the *American Medical Association*, held on June 12, 1947. Comparing the rates of venereal disease between Jews, gentiles and blacks, Dr. Hand theorized that circumcision could prevent venereal disease. He wrote:

Circumcision is not common among Negroes... Many Negroes are promiscuous. In Negroes there is little circumcision, little knowledge or fear of venereal disease and promiscuity in almost a hornet's nest of infection. Thus the venereal rate in Negroes has remained high. Between these two extremes there is the gentile, with a venereal disease rate higher than that of Jews but much lower than that of Negroes⁵.

Newsweek reported Hand's sensational findings in detail, thereby increasing the popular perception that a policy of mass involuntary circumcision was both scientifically based and of critical importance for national security⁶.

In 1973, Dr. Abraham Ravich wrote *Preventing V.D. and Cancer by Circumcision*. When this book was published, venereal disease had already reached epidemic proportions in the United States, especially among young people. Dr. Ravich discussed a broad range of topics; for example, he provided his own interpretations of the Bible, paraphrased biblical quotations, giving his own medical interpretations of them, and attributed prehistoric epidemics to sexual immorality, and later epidemics to foreskin retention. He suggested compulsory circumcision:

Just as more or less universal compulsory vaccination has been so successfully instituted against smallpox, so ... they may also ultimately move to make early complete circumcision compulsory at no greater danger than vaccination⁷.

After having reviewed all writings on this topic, from 1855 to 1997, Dr. Van Howe arrives to the following conclusion:

¹ Al-Bar: Al-khitan, p. 98. He quotes Schoen: The status of circumcision of newborns.

² Wallerstein: Circumcision: an American health fallacy, p. 37.

³ Ibid., p. 13 and 37.

⁴ Ibid., p. 80.

⁵ Hand: Circumcision and venereal disease.

⁶ Circumcision and V. D., *Newsweek*, vol. 30, no. 3, 21.7.1947, p. 49.

⁷ Ravich, *Preventing V.D. and cancer by circumcision*, p. 45-46. For more details, see Wallerstein: Circumcision: an American health fallacy, p. 19-20.

Until recently, no studies have examined the impact of circumcision on overall STD incidence. The data indicate that a circumcised man may be at higher risk for an STD. This is consistent with the trends seen in the USA. As routine neonatal circumcision has been implemented, the rate of STD's has increased rather than fallen. Among first-world nations, the USA has one of the highest rates of STDs, HIV infection and male circumcision¹.

Wallerstein indicated that the overemphasis of the relationship of circumcision to venereal disease tends to limit the problem to males. However, in some ways venereal infections are more serious in women. In men, venereal disease is usually symptomatic (i.e., physical symptoms appear: sores, pus, pain, etc.). Moreover, the male genitalia are more easily inspected. In contrast, female genitalia are more hidden, and infections are often asymptomatic (i.e., physical symptoms do not appear). Although there may be no noticeable symptoms, the woman can infect her sexual partner. Furthermore, venereal infections can affect all external and internal genitalia of women as well as men. Should external genitalia of women be removed simply because they can be the sites of venereal infections? It makes as much sense to do this as it does to remove the male foreskin to prevent venereal disease².

3) Penile and cervical cancer

A) Arab sources

After having established that no basis for female and male circumcision exists in the Koran or the Sunnah, sheik Shaltut established a distinction between the two practices, assuming that only male circumcision should be considered obligatory according to Muslim law because its advantage is superior to the pain it provokes. This advantage, according to him, consists in the fact that

inside the foreskin exists a fertile hotbed for the formation of secretions that become mouldy generating microbes susceptible to provoke cancer and other deadly illnesses. So male circumcision becomes a preventive means that protects the man's life³.

Dr. Pasha extensively quotes Western sources favourable to male circumcision, notably the writings of Doctors Schoen and Wiswell, ignoring completely the opinion of their opponents. Arguments of Dr. Pasha can be summarized as follows:

- Smegma secreted by the foreskin is a carcinogen.
- Cancer of the penis is very rare in Jews and Muslims.
- Annually, between 225 and 339 people die of penile cancer in the United States. If circumcision were not performed in this country, there would be more than 3000 deaths.
- Annually, in the United States there are between 750 and 1,000 cases of cancer of the penis, of which only 3 cases were circumcised men.
- Between 1932 and 1990, an American survey covering 1,600 cases of cancer demonstrates that none among them was circumcised during childhood.
- One of 600 uncircumcised men risks cancer of the penis.
- Since 1930, there were 60,000 cases of cancer of the penis in the United States, of which less than ten occurred in circumcised men.

¹ Van Howe: Does circumcision influence, p. 58.

² Wallerstein: Circumcision: an American health fallacy, p. 87.

³ Shaltut, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 8. See also Allam, annex 4; Al-Sayyid, preface of Ibn-Asakir, p. 12-13; Al-Sukkari, p. 43 and 64; Al-Qadiri, p. 95-96.

- Male circumcision protects female partners of circumcised men from cervical cancer (cancer of the uterus). This cancer is very rare in Jewish and Muslim women in Saudi Arabia¹.

Annotating these data, Dr. Pasha writes:

Yes, it is what affirm medical scientists today, and it is what affirmed Islam and what has been revealed to Abraham. It is God's law [...]. Is this not a grace of the World Lord? A law of nature that Muhammad the Messenger of humanity recommended to us that it prevents cancer of the penis. Watch this truth: 1,600 cases of cancer of the penis, none among them were circumcised².

Proponents of female circumcision also assume that it protects against external organ cancer. Dr. Ramadan refuses such an argument because this cancer is very rare and is not higher than the rate of the cancer of skin or of other organs. This is not by cutting organs exposed to such an illness that one can prevent it. Well to the contrary, by cutting the woman's sexual organs one creates scared tissues more irritable and more exposed to cancer than normal tissues³.

Affi answers such arguments with sarcasm. He wonders why one should suppose the existence of a person who refuses to wash himself and let his secretions accumulate day after day to the point of getting cancer. And if such pork exists, doesn't he deserve to be inflected by cancer? On the other hand, cancer can infect the vagina and breasts. Is it necessary in this case to cut the breasts and vaginas of every woman in her eighth day⁴?

B) Western sources

In 1932, the Jewish Physician Dr. Abraham Wolbarst wrote an article in the U.S., that circumcision prevents cancer. Based on his contention that Jews were immune to penile cancer, Dr. Wolbarst theorized that penile cancer was caused by "the accumulation of pathogenic products in the preputial cavity"⁵.

In 1942, expanding upon Wolbarst's theory of smegma as a carcinogen, and repeating the myth of Jewish immunity to disease, Dr. Ravich postulated a causal link between the foreskin and prostate cancer. He also restated that female cervical cancer was caused by male smegma⁶. The popular news magazine, *Newsweek*, reported Ravich's claim and quoted his demand that there "be an even more universal practice of circumcising male infants"⁷. Ravich published another paper in 1951 alleging that 25 thousand cancer deaths each year were caused by the foreskin and that 3 to 8 million American men then living had contracted prostate cancer as a result of having a foreskin. Ravich concluded that a program of mass involuntary circumcision was necessary as an "important public health measure"⁸.

In summary, this theory begins with the hypothesis that smegma is a carcinogen and Jews have the lowest rate of penile and cervical cancer because they circumcise on the eighth day. Muslims come next. And the last are the uncircumcised. This theory has been repeated in many articles, of which all lead back to the 1932 article by Dr. Wolbarst⁹. Opponents reject this theory. Their arguments follow:

¹ Pasha, p. 41-45 and 50-51.

² Ibid., p. 43, 44.

³ Ramadan, p. 61.

⁴ Afifi, in Aldeeb Abu-Sahlieh: Khitan, vol. I, annex 21.

⁵ Wolbarst: Circumcision and penile cancer.

⁶ Ravich, Abraham: The relationship of circumcision.

⁷ Editor: Circumcision vs. cancer, *Newsweek* 1943, 21:110-111. Hodges: A short history, p. 27.

⁸ Ravich; Ravich: Prophylaxis cancer.

⁹ Fleiss.: An analysis, p. 396-397

a) Smegma is not a carcinogen

According to this theory, smegma is believed to be carcinogenic. By circumcision, one suppresses the foreskin in which this matter hides. This theory was explored in animal experimentation. One researcher inserted human smegma into the vaginas on monkeys 1 or 2 times weekly for 3 years and was unable to produce any cancers of the cervix or vagina. Another researcher inserted human smegma into the vaginas of mice 2 to 3 times weekly for 12 months and was unable to stimulate the production of genital cancers, although insertion of a known carcinogen regularly produced vaginal cancers¹. Just as smegma is produced under the male foreskin, it is also produced under the clitoral foreskin and may come in contact with the female's urethra, vagina, cervix, and rectum, and with the male's penis. If the smegma-carcinogen theory were accepted as fact, then it would seem quite logical to routinely circumcise infant girls to prevent cancer. All mammals produce smegma. This is particularly true of horses. Then mammals known to be susceptible to cancer from this source should also be circumcised! As yet, no one has suggested carrying the circumcision craze to this extreme².

On the other hand, if smegma is carcinogenic, penile cancer should be more frequent than cervical cancer since smegma is more often in contact with the penis than the cervix. However, the opposite is noticed. In 1977, there were 225 deaths because of penile cancer, against 7,600 deaths because of cervical cancer³.

b) Exaggerated and unreliable statistics

Proponents of male circumcision advance figures proving smegma protects against cancer. But opponents state that these figures are voluntarily exaggerated, and unreliable. So cervical cancer represents only 5% of cases of death by cancer under all its forms, but proponents inflate this figure and make it 35%. In the same way, they lower the Jewish woman's rate of cervical cancer while forgetting that it is due not to circumcision, but to the ritual bath and non-promiscuity⁴.

Doctors deKernion *et al.* stated: "While less than 1% of male malignancies in the United States are carcinoma of the penis, the disease accounts for 12% of all malignancies among the Hindus of India". They deducted that circumcision in the United States protects against the cancer of the penis. The article in question is based on a medical magazine of Australia and New Zealand that doesn't mention the number 12%, but 2%. U.S. authors of the article added 10%. Dr. Wallerstein indicated numerous mistakes that go with this topic⁵. Schoen wrote:

Childhood immunizations [...], which have been so important in preventing severe infections diseases in children, are generally 90 to 95% effective; in contrast, newborn circumcision is 99.9% effective in eliminating cancer of the penis⁶.

Dr. Fleiss answers:

There is not objective or positive evidence to be found anywhere in the literature that circumcision is "99.9% effective in eliminating cancer of the penis". Schoen's figures cannot be correct [...]. The medical literature demonstrates that the United States, where the majority of adult males were subjected to neonatal circumcision, has a rate of penile

¹ Wallerstein: Circumcision: an American health fallacy, p. 96.

² Ibid., p. 90.

³ Ibid., p. 105.

⁴ Ibid., p. 91-92.

⁵ Ibid., p. 110-112.

⁶ Schoen: The relationship between circumcision and cancer of the penis

cancer of 1 in 10,000. This is twice to three times the rate of penile cancer measured in non-circumcising, industrialized countries such as Denmark, Finland, and Japan.

Individual vaccines may indeed be 90 to 95% effective in preventing the spread of individual infections diseases. On this basis, bioethicists argue that the human rights burden of involuntary vaccination of individual infants is outweighed by the alternative burden to all of society posed by the thread of unchecked epidemics of deadly, highly contagious infectious diseases. [...] None of the diseases for which circumcision is claimed to be preventive are endemic, epidemic, or highly contagious¹.

Dr. Marvin Eiger reported, in 1972, that a Swedish physician, who compared Israeli and Swedish Jews with uncircumcised Swedes, determined that if a man is not circumcised, he runs more than twice the risk of getting cancer of the prostate than a man who is circumcised. Wallerstein answers: The American cancer society published prostatic cancer death rates for 44 countries that keep such records. Looking at the data, the United States ranks eleventh among the 44 countries listed. This means that 10 countries have higher death rates, but 33 countries have lower rates than the United States. Israel ranks 32nd. This means that 12 countries have lower prostatic cancer death rates and none of these 12 countries practice routine infant circumcision².

Lastly, Wiswell wrote in 1997: "Over the past 45 years, four deaths of neonates have been attributed to circumcision. During the same period, more than 11000 uncircumcised men died from penile cancer"³. Dr. Fleiss points out that "Wiswell provides no references for these astounding figures"⁴.

c) Medical organizations reject this theory

Since 1975, the American academy of paediatrics position is: "There is no absolute medical indication for routine circumcision of the newborn". It indicates "There is evidence that carcinoma of the penis can be prevented by neonatal circumcision. There is also much evidence that optimal hygiene confers as much, or nearly as much protection". It adds:

There is presently no convincing scientific evidence to substantiate the assertion that circumcision reduces the eventual incidence of cancer of the prostate.

A review of existing literature indicates that non-circumcision is not of itself of primary etiologic significance in the development of cervical cancer in women⁵.

But the American cancer society has taken the firmest position on 16 February 1996, in its letter to the American academy of paediatrics:

As representatives of the American cancer society, we would like to discourage the American academy of paediatrics from promoting routine circumcision as preventive measure for penile or cervical cancer. The American cancer society does not consider routine circumcision to be a valid or effective measure to prevent such cancers.

Research suggesting a pattern in the circumcision status of partners of women with cervical cancer is methodologically flawed, outdated and has not been taken seriously in the medical community for decades.

Likewise, research claiming a relationship between circumcision and penile cancer is inconclusive. Penile cancer is an extremely rare condition, effecting one in 200,000

¹ Fleiss: An analysis, p. 385-386.

² Wallerstein: Circumcision: an American health fallacy, p. 100-101.

³ Wiswell: Circumcision - an update.

⁴ Fleiss: An analysis, p. 387.

⁵ American academy of pediatrics, Report of the ad hoc task force on circumcision, Pediatrics, vol. 56 no. 4, October 1975, p. 610-611; www.cirp.org/library/statements/aap/.

men in the United States. Penile cancer rates in countries which do not practice circumcision are lower than those found in the United States. Fatalities caused by circumcision accidents may approximate the mortality rate from penile cancer.

Portraying routine circumcision as an effective means of prevention distracts the public from the task of avoiding the behaviours proven to contribute to penile and cervical cancer: especially cigarette smoking and unprotected sexual relations with multiple partners. Perpetuating the mistaken belief that circumcision prevents cancer is inappropriate¹.

d) Proposed prevention is deadlier than illness

The above letter of the American cancer society clearly indicates "Fatalities caused by circumcision accidents may approximate the mortality rate from penile cancer". If one adds complications of circumcision, one can say prevention by circumcision is more dangerous than the illness it prevents. Dr. Denniston explained:

It is unreasonable and unethical to suggest that the removal of normal tissue be performed on 100,000 normal male infants for the possibility of preventing one case of cancer of the adult penis. By comparison, the risk of breast cancer is now about hundred times greater but no one suggests we remove all female breasts to prevent that formidable disease².

4) Phimosis and paraphimosis

Phimosis consists in the difficulty of moving back a too narrow foreskin to slip behind the glans. Paraphimosis is where the narrow foreskin is behind the glans and cannot be pulled forward to recover the glans.

A) Arab sources

Al-Zahrawi, the Arab physician (d. 1036), wrote concerning phimosis:

The adhesion of the glans to the prepuce (which occurs in him who has his prepuce intact, being under no obligation to be circumcised; sometimes too adhesion may occur by reason of a wound or a abscess) you should scrape it with a flat-nosed scalpel until the adhesion is divided and the glans penis is freed all round from the prepuce. But if the complete separation of the two be difficult then you should dissect away a little of the glans and of the prepuce; for the prepuce is thin, and consequently it is often pierced quickly. Separate then between the glans and the prepuce with a piece of fine linen dipped in cold water to prevent further adhesions. Then let it be dressed with some styptic wine till it heals over³.

Dr. Mestiri, translator of Al-Zahrawi into French, annotates this text as follows: "One wonders why, in cases of phimosis that occurs in the uncircumcised, he doesn't simply recommend circumcision or a technically near operation"⁴. Al-Zahrawi says in fact that with the incision, perforation, venesection and wounds that can occur there should be greater circumspection for "there often occurs an effusion of blood upon which life depends." He added:

So I warn you against undertaking any case in which there is any element of doubt to you; for in the exercise of the art you will be mobbed by all kinds of persons with all

¹ Bodily integrity for both, p. 27

² Denniston: Circumcision: an iatrogenic epidemic, p. 106. See also Wallerstein: Circumcision: an American health fallacy, p. 109.

³ Arabic and English text in Abulcassis: On surgery and instruments, p. 394-395. French text in Mestiri: Abulcassis, p. 135.

⁴ Mestiri: Abulcassis, p. 135, note 2.

manner of afflictions [...]. Some will lavish their wealth on you and enrich you, in the hope that they may be curable, when their disease is mortal. You should not assist any of this kind who approach you; let your caution be stronger than your greed and desire for gain; and do not embark upon anything of this kind unless you have positive knowledge, which you judge adequate, about the way of bringing the patient a good outcome. In treating every patient be prescient and foretell the means whereby health may be restored to him¹.

Today, phimosis constitutes the main argument for Western and Arab physician's practice of circumcision, which is a rarely necessary operation but is only for the physician's benefit as we will see it in the social debate.

Dr. Al-Qadiri says male circumcision is indispensable to prevent and heal numerous illnesses, phimosis and paraphimosis being his first quoted illnesses. He said that these illnesses degenerate into inflammation of the glans, difficult urination, necrosis, and sometimes cancer of the penis².

B) Western sources

Phimosis is the object of enormous Western debate and today represents the main pretext invoked to perform circumcision. But this debate begins with erroneous anatomical data. Physicians assume that the foreskin of the newborn that doesn't retract is anomalous, can lead to masturbation and provoke numerous illnesses. As a measure of prevention, they recommended circumcision. The 19th century American physicians who led the push for circumcision entered false concepts:

- Congenital phimosis indicated that the adhesion of the foreskin to the glans in infants was, in fact, a congenital birth defect;
- Acquired phimosis indicated a condition in which a previously detached foreskin allegedly became adherent to the glans as a result of masturbation.
- Hypertrophic phimosis or redundancy indicated a type of phimosis whose sole symptom was a prepuce that a doctor arbitrarily determined to be too long.

In the 19th century, the American Dr. Lewis Sayre (d. 1900) considered that a long adherent foreskin was not only the cause of paralysis but also hip-joint disease, hernia, bad digestion, inflammation and paralysis of the bladder, clumsiness, epilepsy, and clubfoot. Syre reported in each case that amputation of the foreskin cured the disease. Hundreds of American physicians published case reports supporting Syre's findings. Year by year the list of diseases allegedly caused by phimosis continued to grow. Physicians even attributed deaths to phimosis. Typically, phimosis was seen as the primary cause of masturbation, which, in turn, was seen as the cause of most human diseases and socially unacceptable behaviours³.

In 1881, James Abram Garfield, 20th president of the United States, was fatally shot at the Railway station in Washington. His assailant, Charles J. Guiteau, was apprehended and brought to trial. The nation's leading physicians were brought in to examine the prisoner and give expert witness testimony at his trial. Naturally, it was assumed that Guiteau was insane. He was hung on June 30, 1882. Immediately following his death, the medical profession rushed to perform an autopsy to determine what physical defects may have induced Guiteau's insanity. The 22 observers focused on Guiteau's penis and declared that he had phimosis. The rest of Guiteau's body was found to be perfectly normal. Many American physicians readily accepted the conclusion that President Garfield had been assassinated as

¹ Albucasis: On surgery and instruments, p. 167-169.

² Al-Qadiri, p. 67-70; See also Pasha, p. 81-82.

³ Hodges: The history of phimosis, p. 40-44.

the result of the phimosis-induced insanity of his assassin. The human foreskin had previously been blamed for individual and public health threats. It was now established that the foreskin was a threat to the country's political stability¹.

In July 1890, Dr. William Gentry published a report exemplifying the presumed link between phimosis, the Garfield assassination, criminality, insanity, and orthopaedic deformities. He stated that "more than one half of all the criminals incarcerated in the penitentiaries of our country are afflicted with some abnormality of their genital organs", and that "more than one half of all the inmates afflicted with lunacy or mania in the asylum had some abnormality of the sexual organs". The solution that he proposes was to cut their foreskin by circumcision².

In 1932, Dr. Abraham Wolbarst, mentioned before, assigned to phimosis cancer, syphilis, chancre and cancrroid. Other American physicians added masturbation, nocturnal enuresis, constipation, frequent nocturnal emissions, hysteria and neurasthenia. Circumcision has been considered a cure for all of these conditions. It was necessary to examine every child after birth. If his foreskin didn't retract, it was considered as having a phimosis requiring circumcision³.

The same concept also predominated in Britain until 1949, when Dr. Douglas Gairdner managed to prove in a scientific article that what one called phimosis is in the great majority of cases a natural and not at all pathological phenomenon⁴.

Dr. Gairdner examined the foreskin retractability of 100 newborns. Only 4 were fully retractable, 54 were partially so, and 42 were totally unretractable. He showed that tightness of the foreskin in most newborns is normal and therefore is not a pathological condition requiring surgery. In the normal course of development the foreskin separates from the glans by itself. Studying an additional 200 boys up to 5 years of age, Gairdner found that at 6 months of age, the foreskins of 80% of the infants were not fully retractable, but by 3 years only 10% were not retractable.

In a series of boys aged 2 months to 3 years referred to the hospital for circumcision, Gairdner noted that in almost every case the foreskin could be retracted forcibly. This actually involved tearing the foreskin from the glans, precipitating some bleeding and thus possible infection, and he therefore advised against this practice as a routine procedure.

Gairdner also commented that any child below 5 years of age with an unretractable foreskin "should be accepted with equanimity as normal", and noted that for a child over the age of 5, separation can easily be accomplished without surgery. He noted that the prepuce protects the glans from the effects of ammonia dermatitis, and that if an infant is circumcised he may develop meatal ulceration due to the exposure to ammonia produced by the action of urea-splitting bacteria acting on urea contained in the diaper napkins.

Reviewing all the claims made for circumcision, Gairdner rejected them as unconvincing and concluded that the prepuce of the young infant should be left in its natural state.

On the basis of Gairdner's finding, the new British national health service elected not to pay for neonatal circumcision, causing the rate of neonatal circumcision in Britain to plummet.

In 1968, Dr. Jacob Øster extended Gairdner's study to older boys in Denmark¹. He was the school health officer of a Danish town where all the 1,968 male school children between

¹ Ibid., p. 44-45.

² Ibid., p. 45.

³ Ibid., p. 46-51.

⁴ Gairdner: The fate of the foreskin.

the ages 6-17 were uncircumcised. A total of 9,545 observations were made. Preputial adhesions were found in 63% of the boys aged 6-7, but in only 3% of the boys aged 16-17. Among the 95 boys who were 17 years old, there were no adhesions. Out of a total of 1,968 boys, 4 required preputial dilation, after which they developed normally, 3 required circumcision, giving a circumcision rate of 0.15%. In retrospect, Dr. Øster hypothesized that the 3 circumcisions might have been avoided and suggested the possibility that the surgery was iatrogenic, resulting from too strenuous attempts at retraction. He concluded that the foreskin should be left to develop normally. If patience is exercised, adhesions will almost always resolve as the child matures.

These two European researches have not been taken into consideration in the United States where 90% of newborns in certain regions were and continue to be circumcised under pretext of phimosis! Their research however pushed the European and Japanese researchers not to diagnose phimosis by a visual exam since the birth, but by a bacteriological culture. In this way, the definition of phimosis changed. The simple fact that the child has a non-retractable foreskin that cannot pass the glans is not anymore considered phimosis but a wanted normal state of nature, until the age of five years at least. And even after this age, surgical intervention is not requisite. We spoke before that it was necessary to take care of the child's foreskin, without forcing it to retract to avoid painful and useless lesions.

With regard to paraphimosis for which physicians recommend circumcision, it is necessary to notice that it results from abuse, not disease, by prematurely forcibly retracting the foreskin and trapping it in the sulcus behind the glans. In paediatric practice the complaint is seen in infants whose parents have been instructed by a misguided doctor or nurse to retract the prepuce, but not to pull it forwards thereafter, and sometimes in older boys as the outcome of a bet or dare. Reduction under general aesthetic is almost always possible. Squeezing the glans between thumb and index finger until the volume of the glans is sufficiently reduced will allow the prepuce to slide forward again. And if the foreskin proves to be too narrow, provoking a difficult urination, a dorsal slit can be useful. But as much as possible one should avoid circumcising the child for such a case. Circumcision should be considered only for the exceptional case of recurrent episodes².

5) Urinary tract infection

A) Arab sources

Pasha draws extensively from Wiswell, one of the loudest proponents of male circumcision, to demonstrate protection against urinary tract infections³. He doesn't mention any contrary opinion. I limit myself here to two paragraphs:

Numerous researches published in 1989 affirm that uncircumcised children are 39 times more exposed than circumcised children to urinary tract infection. In a survey made on 400,000 children during ten years, Dr. Wiswell and his colleagues discovered an elevated rate of urinary tract infection in those who were not circumcised. Researchers estimate that if the United States didn't circumcise, there would be 20,000 other cases of ovular and renal inflammations.

Urinary tract infection is not a simple affair. Researchers found that 36% of children of less than one month who had urinary tract infection developed a sepsis. One recorded also some cases of meningitis and renal insufficiency⁴.

¹ Øste: Further fate of the foreskin.

² Warren: Norm UK, p. 91; Rickwood, p. 49.

³ He quotes two articles of Wiswell: Routine neonatal circumcision, and Declining frequency of circumcision.

⁴ Pasha, p. 37-39. See also Al-Bar: Al-khitan, p. 77.

B) Western sources

In the mid-1980's, urinary tract infections (UTI) emerged as that new cutting edge excuse to perform male circumcision. While no articles on this rare disorder had yet appeared in popular magazines, the medical literature reflected a surge of scientific interest in UTI. From 1966 to 1974, a MEDLINE database keyword research uncovered only 4 published studies on UTI, yet from 1975-1979, 65 studies were published. From 1980, the number had nearly tripled, and from 1985 to 1989, 350 studies were published. While the national rate of UTI had not changed from 1966 to 1989, the astounding 8,650% increase in the number of published studies reflected a definite surge in scientific interest¹.

The champion of this theory is the American Dr. Thomas Wiswell. In one of his researches concerning 5,261 children born in American military hospitals, he suggested that circumcision might reduce the rate of UTI. According to him, this rate is 1.4% for intact boys, and 0.14% for circumcised². Although the difference in rate was only 1.2% points, it was made to appear significant by being stated in terms of a 10% increase. Proponents greeted the publication of Wiswell's study as the long-awaited indication for the practice of circumcision.

Wiswell's statistics have been quoted extensively in scientific and popular magazines contributing to mass involuntary circumcisions of newborns in the United States. One has to notice that most males have never experienced a UTI, and the UTI myth had little power to influence fathers, but sociological research had shown that it was mothers, far more than fathers, who signed the circumcision consent form. Unpleasant and painful bouts of UTI are significantly more common among females, and the new UTI scare tactic proved to be especially efficient in frightening young mothers into agreeing to the circumcision of their male children³.

Opponents to male circumcision say that even if Wiswell's figures were correct, they mean that to save 1.4 child, it is necessary to circumcise 100 children whereas it is possible to prevent and to heal such infections without resorting to the scalpel. If we take into account the inherent risks of the operation, we must admit that the prevention proposed by Wiswell is worse than the damage that he wants to avoid⁴.

Besides this fact, opponents indicate other research that proves the unreliability of Wiswell's thought. A survey made on 25,000 children demonstrates that uncircumcised children are not more susceptible than circumcised children to urinary tract infections. This means Wiswell's method is most likely erroneous. The fact is that the parents of children born in American military hospitals, and have kept their sons intact, have been poorly instructed by physicians regarding the care of their children. If the foreskin has been withdrawn by force, some pathological bacteria could have been introduced in the urethra. On the other hand, if soap has been used to wash the penis, the protective microbial flora has been destroyed by soap. Such erroneous manipulations and not the uncircumcision could be to the origin of the urinary tract infection noted by Wiswell⁵.

Opponents also note that females have a higher rate of urinary tract infections than males, yet no doctor advocates genital surgery to reduce female urinary tract infections. These are treated with antibiotics and any other treatment is considered outside the usual and custom-

¹ Hodges: A short history, p. 33.

² Wiswell; Bass: Decreased incidence of urinary tract infections.

³ Hodges: A short history, p. 33.

⁴ Warren: NORM UK, p. 97; Denniston: Circumcision: an iatrogenic epidemic, p. 105; Prescott: Genital Pain, p. 14; Rickwood, p. 49.

⁵ Denniston: Circumcision: an iatrogenic epidemic, p. 105-106.

ary Standard of Care that is the hallmark situation considered in United States malpractice suits¹.

Finally, they indicate that logically the maintenance of the intact child is a measure that should protect him of urinary tract infections and not the opposite. The foreskin protects the glans from urine and excrements. If one cuts the foreskin by circumcision, the urinary tracts are more exposed to infections². It is at least as common for circumcised men to develop urinary tract infections as intact men.

6) AIDS

The theory that circumcision prevents AIDS is the latest invention of the proponents of male and female circumcision. It actually gives sad humour to the gullibility of the common people and their physicians in misapplied research and statistical pronouncements from exercises in self-justification to find disease in primary behavioural vectors. Similarly, taxi drivers in Cusco Peru believe themselves immune to AIDS because of the high altitude. But in the case of circumcision it is a theory that found its way into the popular press and scientific writings. Without entering into scientific detail, we need comment on it. The interested reader may refer to quoted sources and notes. These sources are extremely complex and difficult to understand by a non-expert in statistics and medical sciences.

A) Personal experience

After the Third International Symposium on Sexual Mutilations held in Washington in 1994, I was surprised to receive letters from Jews that I didn't know. One of these letters came from Dr. Shimon Glick, president of the Center of Medical education of the University of Ben-Gurion in Israel. It contained an article by Kreiss and Hopkins concerning circumcision and the prevention of AIDS. He attached to the article a small hand-written note: "For your interest and that of your colleagues. If God commands an action, it cannot be harmful!"

Knowing my position against male and female circumcision, Bernard Lavrie, of Intra-community Coordination against Anti-Semitism and Defamation (Geneva), sent me an August 23, 1995 article of *Nouveau Quotidien* (Lausanne) that reported circumcision protects against AIDS. Véronique Hayoun, a Jewish journalist of Tunisian origin, selected this information for the newspaper. Her information source was the AFP, taken from *Quotidien de Paris*, which took it from the *Winnipeg Free Press*. This article mentions Peter Piot who works in the WHO on the program called ONUSIDA. I contacted him on August 31, 1995 and his secretary sent an ONUSIDA headed letter with the article of Isabelle of Vincenzi & Thierry Mertens: *Male circumcision: has role in HIV prevention?* AIDS, 1994, 8, p. 153-160.

I told of the diffusion of this information in Europe to Marilyn Fayre Milos, director of NOCIRC and to Tim Hammond, president of NOHARM. The answer of Marilyn Fayre Milos in September 1st, 1995 is the following:

It is not a foreskin that causes AIDS, a virus does. The virus is transmitted by unsafe sex. Cutting off foreskins has not proved useful in the USA, where most AIDS victims are circumcised.

The medical excuses used to justify and perpetuate genital mutilation in the Western world have been consistent with the dreaded disease of the time when the excuse is introduced, i.e., during the mid-1800s it was the fear of "self-abuse" (masturbation); in the early 1900s when the germ-theory was put forth, hygiene became the excuse; in the

¹ Goldman: Circumcision the hidden trauma, p. 30-31

² Ritter, p. 32-1.

mid-1900s, cancer was the reason, both penile and cervical. Today, they use AIDS as the scare tactic to rationalize a cruel and barbaric practice. For those of us who recognize the surgical genital alteration of unconsenting for what it is - child abuse - it is easy to see through the excuses. Shame on those who use them!

Tim Hammond said in his answer of August 30, 1995: "Circumcision clearly does not confer protection from AIDS. To suggest so sends a dangerous message to circumcised males that they can ignore safer sex guidelines or relax their guard". He adds that if circumcision prevents AIDS, it is then necessary to also perform it on all adult men and women.

On April 24, 1997, the journalist Philippe Barraud published in *L'Hebdo* (Lausanne), an article titled *Failure of the chemical condom*. He ended with: "It seems that circumcised men are eight times less susceptible than others to AIDS". This journalist sent me his source. It is a scientific article asserting that circumcised men are 1.7 to 8.2 times less susceptible to the AIDS virus than uncircumcised ones¹. He erroneously condensed the numbers to a statistical mean of 8.

Finally, in regard to the popular press, the German newspaper *Die Zeit* (Hamburg) published in its supplement of June 15, 2000, p. 8, a list of questions to its readers, giving them the choice between three solutions and indicating the one that is correct. One question asked: "Researchers of the University of Melbourne found that men who don't have a foreskin are better. What is the advantage of circumcision according to this survey?" The answer was: "A great decrease in the risk of infection by the HIV virus".

They prepared the reader by riddles to accept male circumcision by indicating an advantage to their health through frights inspired by today's AIDS epidemic.

B) Arab sources

Past Koranic commentators adopted the Jewish theory that Jehovah ordered Abraham to circumcise as if circumcision were a revealed norm and an "Emblem of Islam"². And today the theory that circumcision prevents AIDS is taken by Arab journalists and authors who consider it scientific and use it to sustain not only male circumcision, but also female circumcision. We are therefore facing a repetition of the past by advocating circumcision via false and improper science.

Dr. Pasha writes:

Circumcision protects by preventing AIDS. It is the topic of an article that appeared in 1989 in the American magazine *Science*. The author of this article, Dr. Marx, referred to three United States and African studies. These studies demonstrated a decrease of the rate of AIDS infection among circumcised persons. Dr. Marx concludes the likely existence of a link between uncircumcision and AIDS³. Other researchers (Dr. Simonsen et al.) found that the uncircumcised are nine times more susceptible than the uncircumcised to the virus of AIDS⁴.

And Pasha comments:

Is not this an astonishing thing! Even those who dare to disobey God by anomalous sexual intercourse find that one of nature's laws [circumcision] can protect them against

¹ Royce, Rache A.: Sexual transmission of HIV, dans: The New England Journal of Medicine, 10.4.1997, p. 1075. This article refers to other articles in its footnotes 28 and 71

² The title of a book published in Makka in 200 is: Al-khitan min shi'ar al-islam: Circumcision is part of the emblem of Islam.

³ Marx: Circumcision may protect against the AIDS virus.

⁴ Simonsen (et al.): Human immunodeficiency.

this illness. We found the same thing with venereal diseases, and now it repeats itself with AIDS. How do those people therefore dare to disparage God's grace and continue to disobey Him? God says: "They recognize God's kindness, then they deny them, most between them are ungrateful" (16:83). He also said: "Oh you, men! Remember God's grace towards you! Is there any creator other than God?" (35:3). One shouldn't however deduce that the circumcised are protected against AIDS. This illness infects uncircumcised as well as circumcised, but these are infected in a less degree¹.

The Egyptian newspaper *Aqidati* published an article in September 5, 1995 under the title: *A witness of the bride's house says: circumcision protects against AIDS*. The author of this article, Dr. Shafiq, wrote: "A European medical organization confessed that circumcision protects against AIDS, this pestilence of the modern time". He added: "This confession on behalf of a medical organization is probably the stronger and most eloquent answer against the ferocious campaign of CNN aiming to attack Islam which insists on circumcision". This article refers to the CNN movie September 7, 1994 concerning a girl's circumcision in Cairo.

The Egyptian newspaper *Sawt al-ummah* of September 9, 1995 published an article under the title: *Circumcision protects women against AIDS*. This article refers the following from the obstetrician Izzat Al-Sawi:

If the Western medical organizations concluded that circumcision protects against AIDS and penile cancer, it must not astonish us because female circumcision doesn't present any problem and one doesn't have anything to fear from it.

The article ends by reproaching the opponents to female circumcision asking them "to stop sustaining the wave, to hold firmly to the Koran and *Sunnah*, and not doubt or to make others doubt, so that scientists that don't belong to Islam don't come to destroy their reflections and to confirm the *Sunnah* and the law of nature".

An article in the Egyptian newspaper *Al-hadaf*, whose date is unknown, is titled *Female circumcision protects against AIDS*. This article says:

The international press agencies lately distributed information according to which a European medical organization confessed that circumcision of girls protects against AIDS. The information in question adds that the team of physicians who arrived at this conclusion made studies on a number of Canadian, Norwegian and Danish citizens.

Let's finally say that after having obtained the June 24, 1997 annulment by a court in Cairo of the decree of the Egyptian minister of health forbidding female circumcision, sheik Al-Badri, declared:

It is our religion. We pray, we fast and we circumcise. For 14 centuries our mothers and our grandmothers performed circumcision. Those that are not circumcised get AIDS more easily².

It is clear that the Egyptian press and sheik Al-Badri want to convince the Egyptian public that female circumcision protects against AIDS, invoking the testimony of European medical establishment. However, the proceeding constitutes a serious falsification. The Western information mentioned above, which is fallacious, doesn't concern female circumcision but only male circumcision.

¹ Pasha, p. 57-58.

² E-mail send by owner-intact-1@cirp.org le 25.6.1997, signed by Miral Fahmy.

As for the opponents to female circumcision, they contrarily affirm that it contributes to the propagation of AIDS, because of non-sterile tools used and infections from the injury¹. It is necessary to add the inherent danger of utilizing the same tool to circumcise several girls.

C) Western sources

The theory of AIDS prevention by circumcision started at the end of 1980, when some African studies pretended that a link exists between the propagation of the HIV virus and the uncircumcised penis. Proponents of male circumcision in the United States benefited from this theory to defend this practice that is increasingly attacked by numerous opponents. Among these proponents, it is necessary to mention the Jewish physician Dr. Aaron Fink, who sent in 1986 a letter to a medical magazine in favour of this theory². Interrogated by a journalist, Dr. Fink had to declare however that he had no way to prove this theory³. Many other physicians, mainly Jews, brought their support to this theory⁴.

Protagonists of this theory began with an observation of the geographical distribution of AIDS and circumcision. They noted that regions performing circumcision have a lesser rate of contamination by AIDS. They based themselves on the statistical data concerning circumcision starting from the year 1950, without taking into account that this data can change, and they disregarded other social data that play a role as the age of the first sexual contact, the practice of female circumcision, and polygamy⁵.

Others examined 283 long-distance truck drivers and their assistants who ferried goods between Kenya and Zaire. But it is not mentioned if their circumcision status was confirmed by physical examination. Only the ratios rather than the actual numbers are included in the study, and there was no attempt made to explore other possible factors.

Others researched the prevalence of HIV infections and associated risks in 1,169 men attending Abidjan's three sexually transmitted disease clinics. Other studies concerned people that frequented prostitutes in different African countries. All these studies presuppose the foreskin as the vector of the AIDS virus instead of taking into account other factors. One forgotten factor is that uncircumcised men in certain countries have difficulty finding a wife. For this reason, they seek out prostitutes for sexual relations. This may be the reason behind their more elevated risk to AIDS⁶.

Opponents to male circumcision blame these studies because they are based on the African data instead of United States data where AIDS is extensive. The unique survey concerning this country is the one made by Kreiss *et al.* in 1992⁷. But in this study, lack of circumcision was only one of fourteen common traits examined. Twelve characteristics were behaviour-related, one was racial origin, and the fourteenth was circumcision status. The authors of this study failed to take into consideration that the slight increase in the rate of HIV infection in intact men is a reflection of their lower social, economic, educational, and cultural levels of the men affected. Traditionally, the rural lower classes can neither afford to pay for circumcision for their children nor do they have easy access to routine medical care or information on proper hygienic practices. There is a higher rate of all sexually transmitted diseases, including HIV, among the lower classes and those more promiscuous⁸.

¹ Salim: Dalil al-hayran, p. 50, Rizq, p. 29.

² Fink: A possible explanation for heterosexual male infection with AIDS.

³ United Press International, release dates 29.10.1986.

⁴ Hodges: A short history, p. 35.

⁵ Van Howe: Neonatal circumcision, p. 99-100.

⁶ For more details, see Van Howe: Neonatal circumcision, p. 100-105.

⁷ Kreiss; Hopkins.

⁸ Fleiss: An analysis, p. 394-395

But what are the true statistics? Figures published by the WHO, in 1995, prove that the United States has the highest rate of infected persons and circumcised males among the Western countries. Here are the figures:

Highest to lowest HIV rate per 100,000, all circumcising nations:

Zimbabwe	96.7
Congo	58.4
Malawi	49.2
Kenya	24.8
Chad	20.2
United States	16.0

The United States, where the majority of the males are circumcised, has the 6th largest number of AIDS cases in the world and the highest in the developed world.

Lowest rate of HIV per 100,000, all non-circumcising nations:

Italy	8.9
Switzerland	6.5
Denmark	4.4
France	3.5
Netherlands	2.7
Germany	2.2
Austria	2.0
Sweden	2.0
Norway	1.6
Finland	0.9
Poland	0.2
Hungary	0.2

Interestingly, the European countries with the highest rates of HIV infection are those with the highest number of circumcised Muslim immigrants and guest workers. Commenting on these figures, Fleiss wrote:

The unchecked myth that circumcision can prevent AIDS is not only false, but also dangerous. It may lead circumcised Americans to consider themselves immune to HIV and, therefore, free to practice unsafe sex with HIV-infected individuals. This will only cause more deaths and further the spread of HIV and AIDS¹.

Opponents to male circumcision affirm that circumcision, instead of preventing AIDS, can be a propagating factor. They invoke the following elements:

- Circumcision generates scars making the skin of the penis tenser and less moist. Therefore, the circumcised penis is more exposed to injuries in sexual intercourse.
- Circumcised men perform more anal and oral sex, and are more inclined to homosexuality.
- Circumcised men change sexual partners more often.

¹ Ibid., p. 393-394.

- Circumcised men are more reluctant to use condoms and penetrate without much foreplay¹.
- Circumcised men can believe themselves protected from AIDS and therefore have dangerous sexual intercourse.

These factors, according to opponents, contribute to the propagation of AIDS instead of reducing it. It is necessary to add that to prevent only one case of AIDS, it would be necessary to circumcise 23,148 children, costing \$9.6 million dollars. If one adds the inherent dangers of circumcision, recourse to circumcision to prevent AIDS becomes more dangerous and more expensive for a society than AIDS itself². Dr. Ritter writes in this subject:

Obviously, it is contact with specific organisms that causes specific diseases, and it is education about safe sex, not amputation of healthy body parts of newborns, that is sane preventive medicine for sexually transmitted diseases³.

7) Position of the medical organizations

We saw in the preceding chapters that male and female circumcision is an operation that provokes pain and includes deadly risks. As for its supposed advantages, they are not proven and less important than any risk.

Some physicians don't hesitate to qualify circumcision as iatrogenic⁴. This word means illnesses resulting from improper medicine. Thus, you may enter to the hospital to cure a benign illness, and you leave it with a more serious illness because of microbes in the hospital or because of a physician's mistake⁵. With regard to circumcision, a pregnant mother gives birth to a perfect child with a functional and sane sexual organ. After some days, the mother returns home with a mutilated child, marked for the rest of his life with possible serious complications. And if one considers that 60% of the children born in American hospitals are circumcised, it is not an exaggeration to say that we are facing a real epidemic that doesn't differ from other epidemics that humanity endeavours to eradicate.

As we will see in the legal part, numerous organizations mobilized themselves on the media, legal, and medical level, against this iatrogenic epidemic. Today, public opinion and legislators, at least in the West, consider female circumcision a crime. But the struggle against male circumcision is just beginning. And as Christ's apostles contested the necessity of male circumcision regarding the eternal salute, medical organizations begin to contest the necessity of this practice as regards to health and attempt to dissuade their members of it. This contestation constitutes an indispensable preliminary stage before we can condemn and abolish male circumcision. But to reach this end, society must pass some religious, social, political and economic barriers that are not easy to suppress.

We will see in the legal part the medical organizations' position facing female circumcision and their clear refusal to practice it. We limit here comment on decisions of medical organizations from the four main English-speaking countries: Britain, Australia, Canada and the United States. These are countries where male circumcision has been performed extensively and continue to be performed with regard to the last three countries:

- The British medical association decided in 1996:

¹ Ritter, p. 35-1.

² Van Howe: Neonatal circumcision, p. 119.

³ Ritter, p. 33-2

⁴ Denniston: Circumcision: an iatrogenic epidemic, p. 104.

⁵ On this concept, see Erlich: La mutilation, p. 108-110.

It is rarely necessary to circumcise an infant for medical reasons¹.

- The Australian association of paediatric surgeons declared in 1996:

The Australian association of paediatric surgeons does not support the routine circumcision of male neonates, infants or children in Australia. It is considered to be inappropriate and unnecessary as a routine to remove the prepuce, based on the current evidence available [...] Neonatal male circumcision has no medical indication².

- The Australian medical association stated in 1997:

The AMA will discourage circumcision of baby boys in line with the Australian college of paediatrics' position statement on routine circumcision of normal male infants and boys.

The statement, released in June and supported by the AMA's November federal council meeting, includes:

The Australian college of paediatrics should continue to discourage the practice of circumcision in newborns.

Educational material should be available to parents before the birth of their baby and in maternity hospitals.

Some parents after considering medical, social, religious and family factors will opt for circumcision. It is then the responsibility of the doctor to recommend this if performed at an age and under circumstances which reduce hazards to a minimum³.

- The Canadian paediatric society decided in 1996, a decision reinforced in February 2000 that:

The overall evidence of the benefits and harms of circumcision is so evenly balanced that it does not support recommending circumcision as a routine procedure for newborns [...].

When parents are making a decision about circumcision, they should be advised of the present state of medical knowledge about its benefits and harms. Their decision may ultimately be based on personal, religious or cultural factors⁴.

- The American academy of paediatrics decided in March 1999 that:

Existing scientific evidence demonstrates potential medical benefits of newborn male circumcision; however, these data are not sufficient to recommend routine neonatal circumcision. In the case of circumcision, in which there are potential benefits and risks, yet the procedure is not essential to the child's current well-being, parents should determine what is in the best interest of the child. To make an informed choice, parents of all male infants should be given accurate and unbiased information and be provided the opportunity to discuss this decision. It is legitimate for parents to take into account cultural, religious, and ethnic traditions, in addition to the medical factors, when making this decision⁵.

¹ www.cirp.org/library/statements/bma/: British medical association: Circumcision of male infants, Guidance for doctors, September 1996.

² www.cirp.org/library/statements/aaps/: Australian association of paediatric surgeons, Guideline for circumcision, April 1996.

³ www.cirp.org/library/ethics/ama2/: Australian medical association: circumcision deterred, Australian Medicine; (6-20 January) 1997:5.

⁴ www.cps.ca/english/statements/FN/fn96-01.htm: Canadian paediatric society: neonatal circumcision visited, approved in 1996 and reapproved in February 2000.

⁵ American academy of pediatrics: Circumcision policy statement (RE9850), Pediatrics, vol. 103, number 3, march 1999, p. 686-693; www.aap.org/policy/re9850.html.

The American medical association sustained in July 2000 the aforesaid position of the American academy of paediatrics¹

It is clear that these medical organizations do not see a medical necessity for male circumcision. But, at the same time, they don't oppose that it be performed for personal, cultural, religious or ethnic reasons. However, such a position violates medical ethics. According to medical ethics, it is forbidden to violate the physical integrity of any person other than for medical reasons and with the informed consent of the patient or his guardian. These two conditions are very rarely fulfilled concerning circumcision.

On the other hand, none of these organizations accepts the practice of female circumcision for personal, cultural, religious and ethnic reasons. This means that these organizations violate the principle of non-discrimination. We will come back on these points in the legal debate.

Chapter 7.

Foreskin restoration

Supposedly beneficial, male and female circumcision consists in almost all cases to cut a healthy functional organ, provoking physical, sexual, and psychological damages. As it is not possible to return and recover what they lost, victims of these two practices try to find remedies to reduce undergone damages. We limit here to medical remedies, returning the reader to the last chapter of the social debate regarding psychological remedies².

With regard to female circumcision, one can resort to surgical interventions to repair painful scars and other imperfections of medical or aesthetic order. If the woman is infibulated, she can be defibulated and treated for problems bound to the accumulation of blood and urine. On the sexual level, the woman who has lost much pleasure by reason of the clitoral amputation could learn to recover some of it through other erogenous parts of her body as the vagina, hips, and breasts. But until now there is no method to reconstitute removed organs.

For men, physicians have recourse in extreme cases to sex changes when the penis is very damaged in an irretrievable manner³. They also transplant skin when a great part of it has been amputated preventing penis function. Some aesthetic operations also repair imperfections as the glans being cut by accident. The Jerusalem Post reported a glans procedure in August 14, 2000. But currently there is great interest for a non-surgical method of foreskin restoration as practiced mainly in the United States. It is what we are going to dedicate this chapter to, and if need be to demonstrate the absurdity of circumcision.

1) Foreskin restoration in history

Foreskin restoration, called epispasm, is not an American invention. Everywhere there have been unhappy circumcised men who have rebelled against it. Jewish legends report that Esau, son of Isaac, son of Abraham, was the first to attempt to restore his foreskin, suppressing the sign of the alliance between God and the elected People. Rabbis speculate that God cursed him for this reason⁴.

¹ American medical association: Neonatal circumcision, Report 10 of the Council on scientific affairs (I-99) Full, www.ama-assn.org/ama/pub/article/2036-2511.html.

² See part 4, chapter 11.5.

³ See a case in Crowley; Kesner, p. 320-321.

⁴ On this legend, see Ginzberg, vol. V, p. 273. On the unbeloved Esau see Genesis, chapters 25, 27 and 28.

Under the Hellenic period, the Bible reports that Jews accepted assimilation. "So they built a gymnasium in Jerusalem, according to Gentile custom, and removed the marks of circumcision, and abandoned the holy covenant" (1 M 1:13-14). King Antiochus Epiphanes helped by sanctioning those who circumcised with the death penalty. This situation provoked the revolt of the rabbis who "forcibly circumcised all the uncircumcised boys that they found within the borders of Israel" (1 M 2:46).

Paul mentions foreskin restoration in his first letter to the Corinthians: "Was anyone at the time of his call already circumcised? Let him not seek to remove the marks of circumcision. Was anyone at the time of his call uncircumcised? Let him not seek circumcision" (I Co 7:18).

This operation constitutes a problem for the *Mishnah* and the *Talmud* because it suppresses the Sign of the Covenant. To prevent it or to make it more difficult, rabbis imposed a double circumcision: cutting not only the foreskin, but also the inner lining. They also imposed redoing the circumcision, even a hundred times if necessary, in case the foreskin recovers the corona¹.

To understand this phenomenon, we need to know that Greeks and Romans practiced sports in gymnasiums while naked. To have the glans uncovered was considered contrary to the rules of decency and provoked public derision. Therefore, men were accustomed to pull the foreskin and to attach it over the glans by a string. Some resorted to a funnel-shaped copper tube, called *Judeum pondum*, (Jewish weight), that was placed around the penile shaft. The heavy copper then pulled and stretched the shaft skin forward to cover the glans. The hope was that the stretched skin would eventually stay in place and create a new prepuce. This instrument is mentioned in Martial (d. 104)².

The Roman physician Celsus (d. ca 50)³ described two operations for restoring the foreskin "If the glans is bare and the man wishes for the look of the thing (*decoris causa*) to have it covered". These operations were used for those with a congenitally deficient foreskin, and for those who were circumcised. The first consists in a circumferential skin incision at the penile base. A tie was then placed through the distal skin so it could not retract. The partially degloved penis left an open wound that was then covered with a flax dressing allowing granulation. The second operation consisted in stretching the skin of the penis forwards beyond the glans and bandaging the penis from the pubes to the corona. To avoid erection in these two operations, Celsus recommended to "fast until nearly overcome by hunger lest satiety excite that part"⁴. Speaking of the Jews who wanted to be assimilated in the time of king Antiochus, Josephus (d. 100) wrote that they "concealed the circumcision of their private parts in order to be Greeks even when unclothed"⁵.

To these reasons, it is necessary to add that the Roman Empire had dispensed the Jews from the army and offerings to divinities. To compensate, they had to pay a special tax called *fiscus judaicus*. Circumcision was the means to verify Jewish adherence. In order not to pay the tax, some Jews restored their foreskin⁶.

Despite the rabbis' opposition to foreskin restoration, we find the Jewish weight in Spain several centuries later. Physicians also continued to the present to restore the foreskin

¹ The Talmud of Babylonia, (Yebamot 72A), vol. XIII.C, p. 51, and Shabbat 19:6), vol. II.E, p. 59.

² Martial: Epigrammes, 7:35:1-4. See the design of this instrument in: Brandes; McAninch, p. 109.

³ Celsus: De medicina, book VII, 25, p. 421-425.

⁴ See the design of these two operations in: Brandes; McAninch, p. 110.

⁵ Josephus: Jewish antiquities, XII, 241.

⁶ Bigelow: The joy, p. 64.

through methods similar to those described by Celsus¹. This operation became common during the Nazi period (1930-1945). Every circumcised man in Germany and the German occupied territories was at that time in danger of being denounced as a Jew. Such men, therefore, had to hide their genital condition or seek uncircumcision. No description of a surgical technique for uncircumcision can be found in published medical literature of this time, but there exist several anecdotal reports of patients undergoing and doctors performing uncircumcision².

In the last two decades foreskin restoration by non-surgical method has been developed. Groups interested in this method were created in the United States and other Western countries. *Brothers united for future foreskin (BUFF)* was the first of these movements, founded in 1982. In 1991, Jim Bigelow created his own group named *Uncircumcising information and resources center (UNCIRC)*. In 1992 he published a book titled *The joy of uncircumcising*, which gives information on circumcision and on foreskin restoration. This book is currently in its third edition.

R. Wayne Griffiths, who founded in 1990 *National organization of restoring men (NORM)*, estimates there are 7,000 men restoring their foreskin by the non-surgical method³. This organization has 20 groups in different states. It received more than 5,000 letters of inquiry⁴. These figures demonstrate that circumcision is now considered a problem and that circumcised men are rebelling and looking for a means to resolve this problem⁵.

The restoration of the foreskin seems to also interest Muslims. I received two personal messages on their behalf. The first message is dated September 16, 1995.

The article is very interesting. I agreed with everything you had to say. You must spread this view throughout the Muslim World, including the verses of the Koran; they will get a lot of peoples attention.

This might seem like a dum (*sic*) question, but I was mutilated when I was a baby, and now I believe that pubic hair is growing a little too high up. Could that be from the stretching of the skin? And is there a way to reverse this mutilation? If I had a choice I would never have been circumcised, and hopefully my children won't be either.

Reading your article was something I needed. I'll come out of my silence about the issue now, which I always thought was definitely wrong. If you cannot reply, I understand. But thank you for your time anyway.

The second message is dated July 13, 1997.

I very much enjoyed your excellent article. I am a Muslim from Iran that lives in the USA. I have been recovering my foreskin for about a year by holding the skin over the glans with tape and sometimes hanging weight from the skin.

I have had a lot of success and I have recovered a lot of my foreskin. I am feeling better and better as I recover my foreskin. I feel more relaxed and more at ease with other people.

The more I recover my foreskin, the more I understand what was done to me and the more I hate the act of circumcision.

I agree very much with everything that you said and many points that you mentioned have been my reasons against circumcision too.

¹ Schultheiss, p. 288-290.

² Ibid., p. 290; Brandes; McAninch, p. 111.

³ Burrington.

⁴ Griffiths, p. 297.

⁵ On the history of modern foreskin restoration, see Bigelow: *The joy*, p. 121-130; Schultheiss.

2) Foreskin restoration in our time

The reader can find a lot of information on non-surgical foreskin restoration in Bigelow's book, and in Warren's article¹, as well as on the Internet². These sources counsel not to consider their information as medical, to read them attentively before application, and to act under a physician's guidance. This warning aims to avoid lawsuits because the law forbids non-authorized persons to give medical advice. It also intends to involve the physicians in the restoration of the foreskin, and to inform them of the existence of an opposition to male circumcision, with the hope that they will stop circumcising. We give here the essential elements.

Foreskin restoration is based on the principle that skin is an adaptable tissue, capable of expansion and development if it is submitted to moderate tension during several consecutive hours over several months with regularity. During this gradual and progressive process of expansion, the total number of cells increases, which gives a development and not a thinning of the skin. The restoration of the foreskin doesn't recreate the tissue that was removed by the circumcision, but extends and develops the remaining skin. It gives back the penis a retractable skin that covers the glans, protects it, and allows the penis a more natural mechanical functioning.

This restoration is done alone. It does not cost much, and the material used is not expensive. The necessary time to complete it is variable according to the quantity of skin needed to develop and the regularity with which the person applies the method. One may need 1 to 3 years to completely recover the glans.

There are three stages for restoring the foreskin. If little skin was amputated, one can start with the stage two, or even three. On the contrary if a lot of skin was cut off, it would be necessary to start with the first stage.

- First stage: The skin is pulled forwards above the glans and it is maintained there by a medical adhesive tape. The tape is removed to urinate, but the tape can be used in such a way that it is not necessary to remove it. To force expansion, one can attach a weight of about 60 grams to the tape. The first stage is finished when the person feels no tension on the skin. If the result is not complete or satisfactory, one passes to the second stage.
- Second stage: The skin is stretched forward over and beyond the glans and a 7-8 inch strip of tape is wrapped around the tip of the skin extending beyond the glans to form a ring. A weight is added there to force the expansion of skin as in the first stage.
- Third stage: Here one uses means that exercise larger tension on skin.

The process of restoration can continue endlessly, but it is necessary to stop when the skin covers the glans. If the frenulum has been damaged at the time of the circumcision, the foreskin doesn't retract by itself. It is therefore necessary to retract it by hand. One will notice in this respect that the preputial opening after this restoration is larger in circumference than the one of the natural foreskin. To narrow it, it is necessary to consult a physician in confidence. I know a person who, after several years of foreskin restoration, visited a physician to reduce the opening of the foreskin, but the physician circumcised him again when he was under anaesthesia, probably because he didn't know how to proceed.

Physicians rarely tell their patients of this non-surgical method of foreskin restoration, either because it does not benefit them, or because they are unaware of it. Let's finally say

¹ Warren: Foreskin restoration.

² Search Altavista under: Foreskin restoration.

that many moral support groups exist for those interested in foreskin restoration that freely give advice. But one also finds announcements in pornographic magazines offering payment methods to widen and lengthen the penis, an indirect manner to speak of problems bound to circumcision¹.

3) Reasons behind foreskin restoration in our time

The first time I read a text on foreskin restoration I laughed. And even today, when I lecture about this method, some believe these people are in a dream world.

At the time of the 3rd International Symposium on Sexual Mutilations in Maryland, I had the opportunity to dine with Jim Bigelow, one of the main representatives of foreskin restoration movements. He is a pastor and doctor in psychology. He performed foreskin restoration on himself. He is very humorous. The first question that I put him was: "My dear friend, are there not other problems in this world on which you can think instead of stretching your foreskin? Can you explain to me the meaning of your story?"

With a restful voice, he said: "If someone feels pain and sees others feeling pain, does he have the right to look for a solution to his pain and other's pain?" I answered: "Certainly, he has the right". And Bigelow then asked: "Who decides that a person suffers, you or the person in question?" I answered him that it is rather that person who decides that he suffers. Bigelow then explained: "I am a pastor. I suffered from my circumcision. I attempted to relieve myself by restoring my foreskin. Having been satisfied with the result, I tried to relieve the sufferings of others. Is there anything wrong with what I did?" I asked him: "But what profit did you get from your endeavour? Is there a difference between your situation before the restoration and your situation after the restoration?" He answered: "There is a big difference. Before, I practiced sexual relations in black and white, and now I practice sexual relations in colour. I enjoy it more". I ask him: "But who addresses himself to you? And how much does consultation cost?" Bigelow answered: "Christians and Jews consult me. And that makes rabbis furious against me. My consultations are free. My goal is to benefit others".

After this meeting, I understood that the problem is not Bigelow and his friends, but those who have hurt them and continue to yearly hurt 15 million children. People of both sexes who are looking for a solution to their suffering have consulted me. I, as Dr. Bigelow and others, try as much as possible to help them.

Those members of the foreskin restoration movement and who have restored their foreskin expressed many reasons behind their gesture². The main reasons are:

- Functional reasons: The restored penis is more sensitive and has less pain in sexual relations.
- Aesthetic reasons: The 1960's brought a new appreciation for things natural. Many hippie parents did not have their sons circumcised for the simple reason that it was not natural. One of the less recognized or acknowledged consequences of that legacy is the growing awareness of many circumcised males that their circumcised penis is not natural. For these males, foreskin restoration offers hope that they too can one day appear to be unaltered and, thus, natural. Jim Bigelow reports the narrative of a circumcised young man who had married a virgin. On the marriage day he felt he could not offer her an intact body. It is necessary to add that in societies where cir-

¹ Goldman: Letter to the author.

² See Bigelow: The joy, p.113-117; Warren: Foreskin restoration; Griffiths; Lander: The man behind restoration.

cumcision is not performed, circumcised persons may feel a hindrance in collective shower rooms.

- Psychological reasons: Some circumcised persons feel anger against parents and physicians who caused their mutilation, depriving them of body integrity and their autonomy. Restoration gives them the opportunity to recover their power and to manage their anger. This procedure is used with physical and sexual violence victims. These victims claim that they succeed when they can say to themselves: "I am not a victim anymore and I feel strength again". This is similar to breast reconstruction for amputated women because of cancer and serves to give them self-confidence. Those who lose their teeth look for a denture for the same goal. The same with the war injured who have lost a leg. To offer them an artificial leg is an act of recognition on behalf of society toward those who are victims of war.

240 people who restored their foreskin were asked to express their feelings. The most common answers follow:

"Less exposed", "Reclaiming body control", "Defiance of society", "More glans sensitivity", "More like God intended", "More complete", "More virile", "Empowered", "Greater self-control", "Starting to feel better sexually", "Becoming whole", "Cleared up embarrassing irritation", "Feeling healed", "Natural appearance", "Got back what they took", "Self-assured", "Repairing damaged self", "Don't need permission", "Sense of excitement", "Secure in my own masculinity", "Can do something against circumcision", "Proud of my natural penis", "More erotic-aesthetically pleased", "Feel more attractive and sexy", "Righting a wrong", "Regaining a part of myself", "Confidence", "Regaining dignity", "More fun"¹.

Griffiths finishes his article on restoration of the penis where we took the above testimonies by this sentence:

The results of NORM's survey, as well as the results of a similar poll conducted by NOHARM, indicate that circumcised men in the United States are growing aware of what circumcision has done to them. NORM is confident that its continued program of educational outreach will not only spare baby boys from sexual mutilation, but will bring new hope to men of all ages who have been harmed by circumcision. Men will become aware of the fact that they can restore their bodies and regain a sense of wholeness and physical integrity².

4) Positions against foreskin restoration

The Bible considers as renegades those who refused to circumcise their children and restored their foreskin (I M 1:11). In their revolt against them, rabbis "forcibly circumcised all the uncircumcised boys that they found within the borders of Israel" (I M 2:46). We also saw how they tried to prevent foreskin restoration by imposing the double circumcision.

The advocates of circumcision, notably those in Jewish and Muslim surroundings, feel upset by the foreskin restoration movement. Michel Erlich, psychiatrist and physician, wrote:

A recent American survey (1981) signals an upsurge of demands of foreskin restoration emanating from non-Jewish American homosexuals who were circumcised at birth as the majority of their compatriots³.

¹ Griffiths, p. 300. See also Hammond: A preliminary poll, p. 87; Ritter, p. 20-1/20-3.

² Griffiths, p. 302

³ Erlich: Les mutilations sexuelles, p. 92. See also Mohl (et al.): Prepuce restoration seekers; Brandes; McAninch, p. 112.

Favazza, a psychiatrist, considers those who undertake restoring their foreskin as part of "homosexual subgroups whose preoccupation with their lost foreskins sometimes reaches fanatical proportions". Favazza refers here to surgical foreskin restoration and he seems, or feigns, to be unaware of non-surgical restoration¹.

These two negative positions probably ensue from the Jewish origin of these two psychiatrists, unless it is their manner to protect themselves as being themselves circumcised men. One will notice here that many Jews also resort to foreskin restoration, contrary to what Erlich thinks. On the other hand, if some are homosexual, one cannot say that all of them are homosexual².

Professor Shimon Glick, Director of the Center of Medical Education of the University of Ben-Gurion, wrote me a letter in August 9, 1994. He said:

The procedure to restore the foreskin requiring 15 months of intensive effort suggest to me very serious psychopathology on the part of the perpetrators. Freud might have much to say about that.

I sent the letter of Glick to Dr. John Warren, founder of NORM-UK. In his answer to Glick of August 20, 1994, he wrote:

I am interested that you suggest that those taking part in the foreskin restoration movement are suffering from "very serious psychopathology". I think it is rash for a physician to make a diagnosis without examining the patient. I am restoring my foreskin and am not aware of any psychopathology in myself. I work full time as a general and respiratory physician and have never needed to consult a psychiatrist. If this is psychopathology it is a strangely isolated condition that leaves the rest of the mind unscathed. In my view the only pathology lies in the mutilation, and the desire to have an intact body is a normal response.

I wonder if you consider a woman who seeks breast reconstruction after mastectomy as suffering from very severe psychopathology also. And yet the breast serves no practical function apart from lactation, which the restored breast would of course fail to perform. However in the UK my surgical colleagues regularly offer such surgery to these unfortunate women because they recognize the importance of the breast as part of a woman's body image, and the serious psychological consequences of the mutilation.

On the other hand not only is the foreskin an important part of some men's body image without which they feel mutilated, but it also has important sexual functions as well.

One will notice in this respect that the groups who perform female circumcision by infibulation are firmly opposed that their girls be defibulated³. The Somalian girls living in Italy let physicians defibulate them so they may have sexual intercourse. But before marriage, they re-establish their infibulation⁴.

We finish this chapter by stating that so much effort on behalf of circumcised men to restore their foreskin could be avoided if humanity was more reasonable with the children. This recalls a popular Arab proverb that says: "A madman threw a stone in a well, find ten reasonable persons to take it out".

¹ Favazza, p. 219.

² Bigelow: The joy, p. 52-53.

³ Third regional conference on traditional practices, Addis Ababa, 1994, p. 162; Dirie, chapter 12.

⁴ Iaria: Several accounts, p. 29.

Part 4.

The social debate

Circumcision is a social phenomenon. Like all social phenomena, it probably started with an individual who mutilated himself under some influence of religion, sexual excitement, or even mental illness. Then, the practice is adopted by a group and becomes a socio-cultural gesture, under the effect of contagion, religion, sex, tribalism, instinct of domination, economics and politics. Circumcision, as a social product, influences in its turn society and culture. We saw in the medical debate its effect on marital life and sexual intercourse. We will now discuss other psychological and social effects. To abolish circumcision as a social phenomenon, social and psychological means must be mobilized. These elements will be developed in the following eleven chapters.

Chapter 1.

From self-mutilation to cultural mutilation

Self-mutilation has existed throughout history. There is the individual, anomalous self-mutilation, as the one practiced by the Princess Diana, and the collective, cultural or worship mutilation, as the circumcision.

Bettelheim (d. 1990) thinks all men share similar feelings, desires, and anxieties. These are common not only to adults and primitive man, but to all of us. With children and some schizophrenics, they are more readily and openly visible. In normal Western adults they may be carefully hidden¹. The behaviour of stressed and/or abnormal individuals can help us understand the behaviour of normal individuals and the collectivity. But, individual behaviours cannot be separated completely of the collective's behaviours. There is indeed an interaction between individuals and the collectivity. Favazza writes:

The individual human body mirrors the collective social body, and each continually creates and sustains the other [...]. Self-mutilation cannot be understood and dealt with without recourse to psychology, biology, and culture².

1) Self-mutilation between spirits and psychiatry

Natural phenomena such as rain, thunder, lightning, and the rainbow have in the past been assigned to supernatural forces, before science explained them. Illness has also been attributed to divine punishment or plots of evil spirits, before medicine discovered its reasons and the means to heal them.

In the same way anomalous behaviours as self-mutilation have been assigned to evil spirits. The Gospel (Luke 8: 26-39) tells of a man who lived among the tombs with an unclean spirit. Even when chained no one could restrain him. He was always howling and bruising himself with stones. When Jesus said to the spirit: "Come out of the man, you unclean spirit!" the spirit begged Jesus to let him enter nearby swine. Then the herd, numbering about two thousand, rushed down the steep bank into the sea and drowned³. This concept is still pertinent. The Arab language uses the term *majnun*, meaning possessed by the *djinn*, to

¹ Bettelheim, p. 10-11.

² Favazza, p. 322.

³ Mk 5:2-13; See also Lk 8:27-33.

designate the madman. All three monotheistic communities use formulas and ritual for exorcism aiming to expel demons out of the body of possessed persons.

Abraham mutilated his penis on order of Jehovah. The possessed man of the gospel was howling and bruising himself with stones under the effect of the unclean spirit. But today, psychologists and psychiatrists consider self-mutilation a result of neurological, hysterical, or organic illness sustained by religious, sexual and social factors. Self-mutilation is not discerned, therefore, as the effect of a supernatural force, but of internal and social conditionings. We will refer here mainly to a recent book by the American psychiatrist Favazza. His text is dedicated to self-mutilation and body modification in culture and psychiatry. He distinguishes summarily between three categories of self-mutilations.

Major self-mutilation:

Acts of major self-mutilation tend to be messy and occur suddenly with a great deal of tissue damage and bleedings. They are most commonly associated with psychosis (acute psychotic episodes, schizophrenia, mania, and depression) and acute intoxication. Favazza gives the case of a 44-year-old man who developed apocalyptic visions of suffering people. He thought himself to be Adam, the first and last man. He had the idea that he could control time, and that he was the instrument who could give the world a new start. He then felt that he was pregnant and had to become the bride of Jesus. He took a knife and, without feeling pain, castrated himself completely. He fainted and was later scared by what had happened. Afterward he had a feeling of relief¹.

Stereotypic self-mutilation

Acts of stereotypic self-mutilation are monotonously repetitive and may have a rhythmic pattern. Some types of self-mutilation are more likely than others to occur in the presence of onlookers. Stereotypic self-mutilators seem to be driven by a primarily biological imperative to harm themselves shamelessly and without guilt. The most common behaviour is head banging. Among the many explanations that have been offered are: a way to obtain attention, an autoerotic response to understimulation, an expression of frustration, and a turning inward of anger and aggression. These acts may be present as a symptom of the associated features of acute psychosis, schizophrenia, and several other disorders².

Moderate and superficial mutilation

Epitomized by skin cutting and burning, the prevalence of these acts is thought to be about 1,400 cases per 100,000 persons³. Princess Diana's behaviour belongs to this category. In addition to her eating disorder, she was a cutter. On one occasion she threw herself against a glass cabinet at Kensington Palace. Another time she slashed her wrists with a razor blade. Also she cut herself with the serrated edge of a lemon slicer. On yet another occasion, during a heated argument with Prince Charles, she picked up a penknife lying on his dressing table and cut her chest and thighs. These acts appear as symptoms, or associated features, of a great many disorders as: anxiety, dissociative disorders, depression, personality disorders, anti-social personality disorder, borderline personality disorder, and mixed personality disorder⁴.

Some psychiatrists believe that there exists a relation between these mutilations and brain neurochemistry. It has been shown that the reduction of serotonin in the brain is associated with an increased risk of impulsive aggression against both the self and others. Self-

¹ Favazza, p. 234-237.

² Ibid., p. 237-240.

³ Ibid., p. 240-260.

⁴ Ibid., p. 240-241.

mutilators had lower levels of serotonin. Indirect evidence of this is the efficacy of medications that increase brain serotonin levels that at the same time decrease self-mutilative behaviours¹.

A group of neurotransmitters called encephalins also play a role in self-mutilation. Enkephalins are opium-like substances produced by the brain and various glands. Among their actions are the suppression of pain and the regulation of emotions. Since enkephalins have a generally pleasurable effect, self-mutilators harm themselves to induce their production. A controlled study found that highest enkephalin levels correlated with the most severe and recent self-mutilative acts².

2) Role of religion

Religion plays an important role in self-mutilation. The most common reasons for self-mutilation given for female habitual self-mutilators are: to control their mind when it is racing (72%), feel relaxed (65%), feel less depressed (58), feel real again (55%), feel less lonely (47%), atone for sins (40%), respond to 'voices' (20%), and respond to evil spirits (12%)³. This indicates that 72% of these people link their mutilations to religious considerations and 32% act on supernatural order.

One self-mutilation influenced by religion is enucleation of the eye. Favazza estimates about 500 cases of eye enucleation occur each year in the United States! This phenomenon is only among Christians. They are influenced by the evangelical text: "If your right eye causes you to sin, tear it out and throw it away; it is better for you to lose one of your members than for your whole body to be thrown into hell" (Mt 5:29). Favazza gives the following case:

A 44-year-old Egyptian immigrant from a strict Christian culture tried to scratch out his eyes because of guilt over going to topless nightclubs. Three years later he became agitated and preoccupied with religious thoughts. He said a statue of Mary commanded him to cleanse himself of sin by taking out his eyes. He was hospitalized after attempting to remove them with forceps⁴.

Genitalia are often victims of self-mutilation under the effect of religion. Favazza gives the following example, among so many others:

A 32-year-old man sought to purify his spirit for six years by preaching in public, carrying religious signs, shaving his head, and meditating in the hills. Burdened by guilt over episodes of drunkenness, aggression, and sexual transgressions, he cut off both his testicles as a free will offering to God. Following the death of his father five years later, he entered into a brief homosexual relationship. Disgusted by this, he turned to the New Testament and read: "there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven" (Mt 19:12). When he felt sexual desire two weeks later, he cut off his penis with a razor and burned it in a fire. He stated: "Even if I do get certified as legally insane, and in the eyes of the world I am mad, it is far better for me to have cleansed myself"⁵.

From the two aforesaid examples one notes that these mental disorders are associated to religious and sexual factors resulting in self-mutilation. The majority of mutilation cases

¹ Ibid., p. 261-262.

² Ibid., p. 262-264.

³ Ibid., p. 279-280.

⁴ On enucleation, see Ibid., p. 100-117.

⁵ Ibid., p. 26-27.

are bound directly or indirectly to sex. And men are more predisposed to sexual self-mutilation probably because their organs protrude more than women's¹.

3) Masochism

Any pleasure is bound to pain, including sexual intercourse which starts with defloration. But a person can gain pathological enjoyment by self-mutilation. This then becomes masochism, which can be accompanied by the contrary tendency to enjoy the suffering of others, called sadism, of which we will speak elsewhere.

The term masochism is attributable to Count Leopold Sacher-Masoch (d. 1895) who depicted that sexual pleasure may be derived from being the object of pain².

4) Instinct of life and death

Freud's (d. 1939) early work emphasized the concept of a 'life instinct' as a general biological principle that supports behaviour conducive to the creation and maintenance of life. Possibly because of the experience of World War I, in 1920 Freud postulated a 'death instinct' that gives rise to aggressive instincts. Suicide and self-mutilation were regarded as manifestations of an instinctive push toward death, and were qualitatively identical for Freud. Then, Karl Menninger modified Freud's belief. He postulated self-mutilation as a form of psychological self-healing in that a person might avert total self-destruction by substituting the destruction of a body part such as an eye, genital organ, or limb. In this sense it represents a victory, even though sometimes a costly one, of the life instinct over the death instinct. Menninger's substitution theory is reminiscent of the biblical exhortation to pluck out an offending eye or cut off an offending limb because it is better to reach heaven with only part of the body than to be cast into hell with a whole body. Favazza surmises that self-mutilation sometimes helps to avoid suicide³.

People suffering intolerable tension and anxiety or from a numbing episode of un-reality may obtain relief, sometimes instantaneously, by slicing their skin. Likewise, a psychotic person suffering from paranoid persecution or sexual guilt may experience a swift diminution or removal of these symptoms upon, for example, self-castration. An explanation for this is that the mind-brain system operates best within a certain range of tension. If the tension level gets too high, the mind-brain system will operate automatically to divest itself of quantities of excitation. When tense, patients cut themselves. They often describe the results in words such as "It's like lancing a boil." or "It's like popping a balloon"⁴.

5) Environmental influence

Animals placed in artificial environments, as zoos and laboratories, are predisposed to automutilation. Their social isolation increases this predisposition. Stressful events, such as a frustrated sex act, threatening stimuli, or thwarted aggression, may precipitate this behaviour⁵. A large number of human self-mutilators report pathological childhood experiences, including physical and psychological abuse by parents, or caregivers, with inadequate parental love, nurturance, or comforting physical contact⁶. Often they are angry about their fate in an unjust universe. By wounding their bodies, such people provide an outlet for their anger. Self-mutilation is a safer outlet than a direct expression of anger toward parents and other important people in their lives who might retaliate. People who feel a loss of control

¹ Ibid., p. 218.

² Ibid., p. 9-11; Erlich: La mutilation, p. 210-211.

³ Favazza, p. 269-272.

⁴ Ibid., p. 272.

⁵ Ibid., p. 73.

⁶ Ibid., p. 77.

in other areas find that self-mutilation is a behaviour over which they have total control. Only they can start it, and only they can stop it¹.

6) Trickery and simulation

Some people mutilate themselves to obtain advantages. One is in the form of a ruse or a simulation. Several applications in this respect are:

- A person mutilates himself to attract the sympathy and mercy of others. A popular Arab proverb says: "Cut your hand and beg".
- Some soldiers mutilate themselves to escape military service.
- A person can mutilate himself to antagonize others. This situation is expressed in two Kuwaiti proverbs relative to husbands who mutilate their genitalia to hurt their women². We will come back later to these two proverbs in the psychoanalysis of Abraham's self-mutilation.
- A person can mutilate himself to deceive others. An Arab proverb says: "Qasir cut his nose for a determined goal". This proverb relates to a 3rd century story. An Iraqi king killed the king of Arabia. After becoming queen of Arabia, the daughter wanted to avenge her father's death. She expressed to the Iraqi king her desire to marry him in order to form only one kingdom. The king hurried to join her despite his counsellors' warnings that saw this proposition a trap. Upon arrival at her palace, the queen's guards killed the Iraqi king. Qasir, one of the murdered Iraqi king's counsellors decided revenge. He cut his nose and went to the queen to complain about his misfortune caused, according to him, by the successor of the Iraqi king. The queen gave him a lot of money as compensation. Qasir quickly became an accustomed member in the queen's palace. He returned to the queen's palace with a lot of money that he received from the Iraqi king while pretending that he had earned it by his trade. When he acquired the confidence of the queen and her men, he went to her palace with 1,000 camels and fighters and killed her guards. The queen killed herself by swallowing some poison that she always carried³.
- A person can have Münchhausen syndrome. This person seeks, by lies and manipulations, to be operated on continually. A parallel phenomenon is termed Münchhausen syndrome by proxy. It designates an artificial pathology created on a child, or any other dependent person, by one of its parents or caretakers⁴.

7) Evolution of incentives

Self-mutilation is a multidetermined behaviour and must be understood by paying attention to interactions among psychological and biological functioning, the physical environment, social settings, and the overarching web of culture. Interpretations can differ from one physician to another, and from one time to another according to the most recent research. Piercing was originally interpreted as a reflection of homosexuality. But with piercing's expansion, it has been considered a means to antagonize parents, to appear sexy, and to affirm personality and particularism. Historically when piercing becomes fashionable, people pass to different behaviours which are often more mutilating and more painful⁵.

¹ Ibid., p. 273-274, 279.

² Al-Nuri, p. 211-212.

³ Al-Zarkali, vol. 5, p. 199.

⁴ Erlich: La mutilation, p. 180.182.

⁵ Favazza, p. 282-284.

8) Psychoanalysis of Abraham's circumcision

The Bible says that Abraham was circumcised when he was 99 years old. According to Islamic sources, he was either 80 or 120. One can think this age is of little importance since Abraham eventually lived to the age of 175 (Gn 25:7). But the Bible tells us Abraham was an old man when the angel announced to him the birth of his son Isaac (Gn 18:11). Rabbis tried to interpret this advanced age. This biblical account presents an opportunity to point out Abraham's faith. Abraham is considered by the rabbis to be the first proselyte. Because he was circumcised at age 99, he serves as a model to indicate that the door should never be closed before a convert¹. Philo (d. 54) gave an allegorical interpretation to Abraham's age. He wrote:

The manifestation took place in his ninety-ninth year, a number rightly chosen. In the first place, it is next to a hundred, and a hundred is a power of ten when the latter is multiplied by itself, and this the theologian calls "the Holy of Holies." For the *kor*, the first tenth, is simply called holy, and this he assigns to the caretakers of the temple. And the tenth of the tenth, which he further commands the caretakers to set aside as an offering to the presiding official, is a tenth reckoned from a hundred. For what else is a tenth of a tenth but a hundredth part? However, the number ninety-nine years is not only distinguished by its kinship and nearness to a hundred but it also receives special participation in a remarkable nature, for it consists of fifty and seven heptads. Now the Pentecostal year is called "release in the legislation, for all are freed, both inanimate and animate beings"².

Jews, Christians and Muslims believe Abraham was circumcised on divine order. None have attempted to psychoanalyze his gesture. Historians put Abraham's existence in doubt, but nothing prevents us analysing Abraham's psyche and actions as one would analyse a character of Shakespeare or Balzac. The Bible offers interesting elements that can help us understand Abraham's gesture.

According to the Bible, Abraham had an uneasy domestic life. He left his parents and went far away from them (Gn 12:1-4). During his stay in Egypt, he delivered his wife Sarai to Pharaoh pretending that she was his sister, so that he was saved from death and that Pharaoh grants him some favours (Gn 12:10-20). It was presumed Sarai was sterile yet would have a child at an advanced age. Abraham often heard a spirit speaking to him. This spirit ordered him to leave his parents (Gn 12:1-4), to circumcise himself and to circumcise his descendants and slaves (Gn 17:1-14), to expel his concubine Hagar with his son Ishmael by his wife's behest (Gn 21:12-13), and to offer his son Isaac as a burnt offering (Gn 22:1-2). Fortunately the spirit changed his mind in the last minute and ordered Abraham to replace his son with a ram (Gn 22:11-13). The spirit also threatened to destroy Sodom (18:16-33). When the spirit ordered Abraham to circumcise himself, he fell on his face (Gn 17:3). A Jewish legend says that when he woke up, he discovered that a scorpion had circumcised him during his unconsciousness³, - unless he vanished after having cut his penis. His circumcision could be explained by a feeling of guilt by reason of his perceived misbehaviours and his tense relationship with his wife Sarah. After his circumcision, he had a feeling of pride, in that he would be the father of a great nation and have large land holdings as promised him by the spirit.

If one examines these factors in light of psychoanalytical data, Abraham was affected by schizophrenia and megalomania. Also it is evident he, as well as Sarah, suffered from iso-

¹ Barth: Berit Mila, p. 109-110.

² Philo: Questions and answers on Genesis, Book III, 39.

³ Ginzberg, vol. V, p. 233.

lation. His advanced age when circumcised can mean that he also had senility. Advanced age can pathologically induce unaccustomed behaviours.

A Kuwaiti intellectual asked me by what reason Jews and Muslims circumcise their children. When I told him it is because of Abraham who circumcised himself at the age of 99, he told me: "I now understand the meaning of the popular proverb that says: *Abraham is not to pity*". He explained to me in a letter dated December 14, 1998, that in Kuwait, when a person named Abraham behaves in a bad way, one often excuses him by saying: "Abraham is not to pity". This proverb, according to the Kuwaiti, corresponds to another proverb that says: "The madman is not to pity". Another Kuwaiti, a ministry civil servant, had another explanation to Abraham's gesture: According to him, in mutilating himself, Abraham wanted to antagonize his wife. He then related to me two Kuwaiti proverbs that say, in different terms: "To antagonize his wife, he cut his penis and his testes". We know that Abraham had problems with his wife.

These two explanations of Abraham's self-mutilation demonstrate that the most venerated personage in the three monotheistic religions has a popular picture that defers to the command conveyed by religious authority.

9) Care of self-mutilation

In many past societies madmen have been considered irretrievable elements. Ibn-al-Jawzi (d. 1021) reports of Al-Awza'i (d. 774) the following narrative:

I have been told that one asked Jesus: "Spirit of God, is it correct that you revive the dead?" He answered: "Yes, by God's will". He was then asked: "Is it correct that you heal the mute?" He answered: "Yes, by God's will". He finally was asked: "What is the remedy for the lunatic?" Jesus answered: "This is what I was unable to heal"¹.

Nevertheless, we saw that Christ healed the madman who was always howling and bruising himself with stones by expelling the unclean spirit. Even today clerics resort to exorcism to heal those so afflicted, expelling evil spirits with help of verses, prayers, and ritual. Cairo bookstores are filled with two-penny-books which report exploits of sheiks in this field. Some even recommends teaching exorcism in Egyptian medical schools. As for psychiatrists and psychologists, they have their own methods to prevent and try to heal self-mutilators.

One preventive means of self-mutilation consists in forbidding access to biblical verses emphasizing mutilation when the self-mutilator has religious hallucinations². When under a sexual influence, it is necessary to educate them accordingly³. It may also be useful to prescribe short-term admittance to a psychiatric clinic. One must also teach them how to manage their anger by suggesting the mutilator to write a journal and by organizing collective and private sittings. Reviewing their past helps them better understand their behaviour. It may become necessary to remove them from an infectious environment to avoid epidemics. And when they have integration problems, it would help by finding them an employment⁴.

Psychiatrists also resort to medicines that calm self-mutilators and control schizophrenia, depression, hallucinations and melancholy⁵. In many cases medications that increase activity of the neurotransmitter serotonin in the brain has proven successful for treatment of

¹ Ibn-al-Jawzi, p. 28-29.

² Favazza, p. 292.

³ Ibid., p. 291.

⁴ Ibid., p. 294-314.

⁵ Ibid., p. 316-319.

moderate/superficial self-mutilation¹. One could also consider psychosurgery for controlling self-mutilation by destroying small areas of brain tissue in the limbic system thought to be the substrate of emotion. According to Favazza, such a procedure has given some positive results in institutionalized patients with violent aggressive behaviour and a self-mutilation tendency. Favazza however indicates that the general public and mental health care professionals look upon psychosurgery with a great deal of distrust. It is unlikely that in the foreseeable future surgery will be utilized for treating self-mutilation².

10) Transition from self-mutilation to cultural mutilation

Self-mutilation can remain isolated and rejected by society. But it can also influence others, becoming progressively a cultural or religious ritual and a mark of nobility.

One infectious sexual mutilation example, though limited, is the phenomenon of Christ's five stigmata that first appeared on Paul, who wrote: "From now on, let no one make trouble for me; for I carry the marks of Jesus branded on my body" (Ga 6:17). The most famous case is of Francis of Assisi who had these stigmata two years before his death in 1226. News of Francis's stigmatization spread rapidly throughout Europe. Thirty-one stigmata cases appeared within twenty-five years. About three hundred cases have been reported since St. Francis. Most of these (271) have been women. Many are clearly the result of deliberately self-inflicted wounds. Most are readily explained psychologically. A few are problematic³.

Favazza notes that every culture interprets mutilations to its particular manner. Thus, in India, psychiatrists diagnose few pathological self-mutilation cases yet those who mutilate themselves are legion. India's self-mutilators are not necessarily considered by their family and social groups to need psychiatric treatment. Thus they are not brought to the attention of India's rudimentary mental health system. There are social groups and religious festivals where self-mutilators are accepted. Hijras, for example, are transvestites who often appear at marriage and birth ceremonies. They threaten to be disruptive unless they are given money. Some Hijras are male homosexuals, others are men with anatomically deformed genitals; and still others are men who have voluntarily castrated themselves⁴. The recruitment in this under-caste of untouchables is also achieved by abduction and brutal castration of young teenagers. Then the victim's family rejects him if he attempts to escape his sexual executioner.

We must note here that Shiites on the occasion of Ashura, the annual solemn mourning commemorating the murder in 680 AD of Husayn, grandson of Muhammad, have processions during which men flog themselves with iron chains and draw blood from their skulls. Christians in the Philippines crucify themselves on Holy Friday to look like Christ, hoping by this gesture to obtain graces in this life and in their afterlife.

The most consistent type of self-mutilation, which has become a collective cultural and ritual custom, is circumcision. This practice progressively propagated and is now a practice that imposes itself by itself, difficult to abandon, and even more difficult to rationally explain. Wallerstein wrote:

Having conducted dozens of discussions on [circumcision], I have found one reaction typical among Jewish physicians. I will paraphrase their comments: "I agree that there are no health benefits. I even feel that it may be wrong to do it. Yet, if I have a son, I

¹ Ibid., p. 223.

² Ibid., p. 293-294.

³ Ibid., p. 42-45; Erlich: *La mutilation*, p. 191-193.

⁴ Favazza, p. 31-32. On the Hijras, see Jaffrey: *Les derniers eunuques*

will have him circumcised. Please don't ask me why. I am not the least bit religious. I know it is irrational, but I will do it"¹.

Maurice Bloch wrote:

It is inconceivable to the Merina [in Madagascar] that boys may not be circumcised. But it is precisely because it is inconceivable that it is difficult to get people to tell you why it has to be done. It is rather like asking people in Europe why they do not eat dogs².

An influential Muslim Sudanese leader assured Lightfoot-Klein that there is nothing in the Koran about Pharaonic circumcision. It is "a custom brought over from Egypt in ancient times" and has "nothing whatsoever to do with religion". He himself was "very much against that barbarous practice of the Pharaonic" and in his religious capacity advocated the mildest form of *Sunnah*. Nevertheless all his daughters have been pharaonised. How was this possible in view of his stated beliefs? "One could not go against custom", he said. "Custom was too strong in people. No one could defy custom"³. Lightfoot-Klein titled her book on female circumcision in Sudan *Prisoners of Ritual*.

Men become indeed prisoners of rituals and customs which are the most difficult barrier for a reformer to breach. The Koran echoes this barrier when it blames Arabian society for its blind attachment to customs:

- When they are told: "Follow what God has revealed herein", they say: "We follow only what we found our parents doing". What if their parents did not understand, and were not guided? (2:170)
- They commit a gross sin, then say: "We found our parents doing this, and God has commanded us to do it". Say: "God never advocates sin. Are you saying about God what you do not know?" (7:28).
- The fact is that: they said: "We found our parents carrying on certain practices, and we are following in their footsteps". Invariably, when we sent a warner to any community, the leaders of that community would say: "We found our parents following certain practices, and we will continue in their footsteps" (43:22-23)⁴.

So, custom excuses behaviour. Violations of a custom result in serious social consequences. Respect of custom bestows tranquillity and salvation. Muhammad said: "whoever becomes separate from the Muslim group, even for a span and then dies, he will die as those who died in the pre-Islamic period of ignorance (as rebellious sinners)"⁵. Evidently, the community in question here is Muhammad's. Many popular Arabic proverbs incite conformism. We mention three here:

- In the country of the one-eyed, pull out one eye.
- If people of your country become mad, what good would it be to use your brain?
- Put your head between goats and say: "Come oh cutter of heads".

The birth of a custom and its survival can be the result of the influences of the milieu, religion, sex, family, tribe, politics, and economy. These will be discussed in the following chapter.

¹ Wallerstein: Circumcision and anti-semitism, p. 46.

² Bloch, p. 48.

³ Lightfoot-Klein: Prisoners, p. 13-14.

⁴ See also Koran 5:104; 26:74; 31:22.

⁵ Al-Bukhari, hadith 7054.

Chapter 2.

Influence of the milieu on circumcision

We saw that self-mutilation can be transmitted under influence of contagious milieu. This also applies to circumcision as a social phenomenon. This influence can come from the family, the society, the profession or the dominant culture. A person can also act by spirit of contradiction to protect his identity.

1) Family's influence

Family conformity plays a role in deciding circumcision. This is illustrated in a survey of 124 newborn parents in a Denver hospital. Results showed that for parents making the circumcision decision, social concerns outweighed medical concerns. Parent's reasons for circumcising were based mainly on an interest that the baby should look like his father, brothers, and friends. Only 23% of the uncircumcised fathers had circumcised sons. In contrast, 90% of the circumcised fathers had circumcised sons. Fathers wanted their sons to 'match', and there was a belief that the boy would want that also¹.

The medical profession sometimes takes advantage of this tendency to conform. For example, the American academy of paediatrics pamphlet for parents, *Circumcision: Pros and Cons*, states: "Many parents choose to have their sons circumcised because all the other men in the family were circumcised or because they don't want their son to feel different"². On a 1993 radio talk show, former Surgeon General C. Everett Koop defended circumcision by warning,

If you have one little boy in your family who is already circumcised, you'd better circumcise the second little boy, because if you don't, neither one will know which one is normal³.

One reason can hide another reason. By choosing circumcision, fathers would in fact hide the problems they feel with their own circumcision. Not choosing circumcision for their sons would suggest disapproval of their own circumcision. This is a step they are not ready to take⁴. A father explains:

What was so difficult in leaving my son intact was not that my son would feel different in a locker room, but that I would feel different from him. I would then have to accept that I'm an amputee from the wars of a past generation⁵.

An American physician ridicules this argument of father-son conformity:

What psychic trauma would be inflicted upon your son if his father had black public-hair, a pot belly, an appendectomy scar, and his right testicle hung lower than the left [...]? Would you seriously consider having your son or husband consult a plastic surgeon so that their genitals and lower abdomen would more closely approximate each other in appearance? [...] I am of an age when most men had penises unaltered by circumcision surgery. When circumcision became the order of the day, I don't recall males in my age bracket jumping out of windows or rushing to a surgeon to have any genital tailoring⁶.

¹ Goldman: Circumcision the hidden trauma, p. 64

² Ibid., p. 64

³ Ibid., p. 43.

⁴ Ibid., p. 45

⁵ Ibid., p. 70

⁶ Ritter, p. 19-1.

Conformity plays equally with female circumcision as demonstrated in an Egyptian survey of 500 physicians published in 1998. This survey indicates that physicians coming from families who circumcised their girls are more favourable to this practice than physicians coming from families who didn't circumcise their girls¹.

In Kikuyu country in 1957, one reason given by secondary school girls for opposition to a law making excision illegal, was that if some women were 'done' and others were 'not done', it would lead to quarrelling among the wives, and therefore to marital instability².

2) Society's influence

A Moroccan author writes:

Beyond all social or religious justification, there is the desire, the need or the necessity to make oneself as others. This was always done on all boys; why not our children³?

In America, parents surmise that keeping the boy be uncircumcised could expose him to sarcasm from circumcised boys and make him feel that he is not normal. It is explained by the fact that American society tolerates nudity in collective showers after sporting events or in the military service.

Social conformity is also found with female circumcision. In Sudanese society, the uncircumcised girl is the object of joking by her peers and ends up asking to be circumcised. It is considered that only small children, mental defectives and daughters of prostitutes remained uncircumcised⁴. This situation is also verified in Somalia⁵ and Egypt⁶.

Female circumcision never appears by itself. It accompanies or appears after the adoption of male circumcision. It thus expresses the concept of a balance between the sexes, that female life should parallel male life. Where female circumcision appears, this concept of balance is deeply rooted in the social structure⁷. Thus female circumcision aims to create conformity and equality of women to men.

The conformity doesn't limit itself to the outside aspect, but spreads to the effects of the circumcision. So those who have been abused, look for excuses to abuse others⁸. A Sudanese explained to Lightfoot-Klein that the old women "deprive their daughters and their granddaughters of what they themselves have been deprived of. When they inflict these things on their children, they make another man suffer for what they have suffered with their own husbands"⁹. We will return to this point in the social consequences of circumcision.

Opponents of circumcision know the effects of conforming in the decision of parents and try to thwart this vision. They signal that the number of circumcised children is clearly receding and soon they will be in the minority. And even while today being in the minority, nothing proves that the uncircumcised are less happy than the circumcised. In any case, if a parent keeps a child uncircumcised, they can decide as an adult, whereas the opposite, foreskin restoration for males, is with difficulty feasible. They notice that U.S. statistics indicate that hardly 3 in 1000 opt for circumcision once an adult. They also try to present a positive picture of the intact body. After the success of the *Titanic* film, opponents to cir-

¹ Abd-al-Hadi; Abd-al-Salam, p. 13, 66-67.

² Sanderson, p. 54.

³ Serhane, p. 151-152.

⁴ Lightfoot-Klein: Prisoners, p. 24, 66.

⁵ Gallo: La circoncisione femminile in Somalia, p. 152; Iaria; Sealise, p. 22.

⁶ Abd-al-Fattah: Al-adrar al-nafsiyyah, p. 68-69.

⁷ Nadel: The Nuba, p. 487; Hicks, p. 18.

⁸ Miller, p. 26.

⁹ Lightfoot-Klein: Prisoners, p. 122-123.

cumcision hurried to distribute information that Leonardo diCaprio is uncircumcised so that girls and women who fall in love with him will keep their children intact, or at least won't judge the uncircumcised negatively. They also publish lists of personalities who remain intact to prove this condition didn't prevent them from becoming famous. Ritter says: "almost all foreign actors, athletes, and celebrities are intact"¹.

The Chadian filmmaker Zara Yacoub seeks to inform African women that their European sisters are not circumcised and that they fight against female circumcision. Thus, they can take these women as behaviour models². But such an argument can have a contrary effect in a country such as Egypt, where women are circumcised so that they don't look like Western nonbelievers.

3) Professional influence

Like other professions and institutions, the medical community is a reflection of the larger society it serves. It adopts standards that the larger community expects. It avoids the uncomfortable issues that the society avoids. This is a matter of survival. If it did not, it would risk losing credibility and acceptance. Consequently, the people who work in medicine shape their profession to conform to their culture³. So the physician performs circumcision without feeling obligated to present some, if any, medical reason. If he feels forced to give a reason, he invents something illogical as affirming that the newborn doesn't suffer or feel pain.

Conformity to general opinion procures to the physician tranquillity freeing him from responsibility. Once he does his first circumcision, generally under supervision, he crosses an emotional line from which it is exceedingly difficult to retreat. If he does change and refutes circumcision it means he disavows his first act and his colleagues⁴. An American physician related that:

Many doctors have shared with me their concern that they might lose their academic or hospital positions, or referrals from other doctors, if they made their opposition to circumcision known⁵.

Conformity extends to other fields besides medicine. Researchers and organizations that supervise medical research or finance them, fear discussion of sensitive topics. For this reason, long-term effects of circumcision have not been studied⁶. Dr. Nawal Al-Saadawi reports the difficulties she has confronted in researching this domain⁷. Studies and opinions that are critical of circumcision are more difficult to get published than studies and opinions that support circumcision. For example, specialized magazines refuse to publish articles against circumcision under the pretence that circumcision prevents penile cancer⁸.

But it doesn't mean that all physicians follow majority opinions without contention. Some, after advocating circumcision for decades, convert and condemn it. Examples are Dr. Spock and anthropologist Montagu. In this respect, Dr. Spock had written in favour of circumcision in *Encyclopaedia Britannica*, 1960 edition. Despite his change of position, this Encyclopaedia continues to replicate the old article, now without mentioning Dr. Spock's name.

¹ Ritter, p. 21-2; Goldman: The psychological impact, p. 97-98.

² Kalthegener; Ruby: Zara Yacoub, p. 89.

³ Goldman: Circumcision the hidden trauma, p. 81.

⁴ Ibid., p. 192.

⁵ Denniston: Tyranny, p. 234.

⁶ Goldman: Circumcision the hidden trauma, p. 77.

⁷ Al-Saadawi: The hidden face of Eve, p. 37.

⁸ Goldman: Circumcision the hidden trauma, p. 80-81; Van Howe: Peer-Review bias.

4) Dominant culture influence

Jewish, Muslim and Christian fundamentalists circumcise on the order of God to conform themselves to Abraham. Priests of the Goddess Cybele mutilated their genitalia to look like her eunuch lover. Today, some Christians crucify themselves to look like Jesus. The Inca in Peru provoked cephalic deformity to make their skull conform to the head of the corn god¹. Egyptian aristocracy placed constricting bandages around the heads of their infants to produce a head shape similar to that of king Akhenaton who was born with a distinctive cranial anomaly. The skull shape of the beautiful Queen Nefertiti was clearly the product of moulding. In modern times the Nazis encouraged German parents to massage their children's heads in order to produce an Aryan type skull².

The phenomenon to conform to the dominant, to their orders and manners, was described by Ibn-Khaldun (d. 1406). He says:

The reason for this is that the soul always sees perfection in the person who is superior to it and to whom it is subservient. It considers him perfect, either because the respect it has for him impresses it, or because it erroneously assumes that its own subservience to him is not due to the nature of defeat but to the perfection of the victor. If that erroneous assumption fixes itself in the soul, it becomes a firm belief. The soul, then, adopts all the manners of the victor and assimilates itself to him. This, then is imitation, Or, the soul may possibly think that the superiority of the victor is not the result of his group feeling or great fortitude, but of his customs and manners. This also would be an erroneous concept of superiority, and (the consequence) would be the same as in the former case. Therefore, the vanquished can always be observed to assimilate themselves to the victor in the use and style of dress, mounts, and weapons, indeed, in everything. In this connection, one may compare how children constantly imitate their fathers. They do that only because they see perfection in them. One may also compare how almost everywhere people are dominated (in the matter of fashion) by the dress of the militia and the government forces, because they are ruled by them³.

This conformity to dominance can either be imposed or voluntary. We saw that Israel imposed circumcision on their slaves and on the people they dominated. These latter people sometimes opted for circumcision in order to escape Israeli persecution. Some Jewish converts to Christianity tried to impose this practice to pagan converts; as they had little influence in the Roman Empire, they didn't succeed. But in Arabia, where they formed the intellectual elite and were recognized as people of the book, they succeeded in introducing circumcision to the polytheist Arab converts to Islam. And it is not excluded that the Jews were the source of inspiration for the introduction of female circumcision among the Muslim's of Arabia and Ethiopia, through the Falachas⁴.

Boris de Rachewiltz believes that Jews influenced the adoption of male circumcision in many African tribes. Indeed the Bible requires them to circumcise their slaves. In 700 B.C., the Sabeis, Semites of southern Arabia, crossed the Red Sea from Yemen. They penetrated into Ethiopia where they established a powerful State that had Axoum for their capital. Then, a second wave of Sabeis invaded the south-western part of Ethiopia, where they still live today in the regions of Gurage and Hararis. During the Diaspora, the Jews took refuge in Ethiopia. Their descendants are the present day Falachas. On the other hand, in North Africa, the Berbers converted to Judaism. They took refuge in the first centuries of the

¹ Erlich: *La mutilation*, p. 44.

² Favazza, p. 86.

³ Ibn-Khaldun: *The muqaddimah*, vol. I, p. 299-300.

⁴ See part 2, chapter 1, section 5.2.

Christian era in the oasis of Touat in order to escape persecutions. Some groups penetrated as far as Sudan. According to the king of Portugal's edict of 1486, all Jews who refused to convert to Christianity were to be deported to the coasts of Guinea. Mixing with natives, this colony spread progressively and influenced the black populations of Ethiopia and Africa from the North to the interior desert of Sudan and Guinea. Also, circumcision was adopted by many African societies through proselytism. It doesn't mean, however, that all African circumcisions have Judaic origin and features¹.

Muslim expansion in Africa and Asia contributed extensively to the spread of circumcision among the converted populations. Information from Sudan tells that children of the Dinka tribe are kidnapped and sold as slaves to Arabs. They are circumcised to force them to adopt Islam². In the fourth report of the United Nations in 1992 on war crimes in Ex-Yugoslavia, it is indicated that Muslim and Mujahedin irregular troops, some from Afghanistan and Saudi Arabia, had routinely performed crude, disfiguring, nonmedical circumcisions on Bosnian Serb soldiers³. In some Indonesian islands, in the year 2000, extremist Muslims forced Christians to convert and circumcised them. A group of 172 Christians from Kesui who have been evacuated to Ambon City, told horrific stories about forced circumcision by local Muslims who were pressured by Muslim zealots from the neighbouring islands of Geser and Gorong. Even women were circumcised⁴. And today many destitute Asian immigrants convert to Islam in Arabia, considering conversion as the surest means to remain in this country. A Saudi *fatwa* concerns the conversion of a married couple. The person responsible of the registration of the conversion imposed the circumcision to the man and the woman, but the commission of *fatwa* said that one should wait until the faith is strong enough to avoid their refusal to convert by fear of the circumcision⁵.

Esther Hicks believes the extension of female circumcision in Africa is owed to Islam's expansion in this continent. The geographic area penetrated by Islam coincides with the general distribution of infibulation, and all populations known to practice infibulation are, in some degree, Islamic. Non-Islamic populations in this geographic region adopt female circumcision concomitant with their conversion to Islam. Those who had practiced partial clitoral excision, passed to infibulation after their conversion to Islam⁶. In Somalia, one uses the term "to become Muslim" instead of "to be circumcised"; this refers to men and women⁷.

According to oral reports, Palestinians living in Egypt are beginning to circumcise their girls. In this extension of female circumcision, one cannot disregard the influence of Al-Azhar with his school and academic networks. Esteemed sheik of Al-Azhar Jad-al-Haq sustained female circumcision overtly. Al-Azhar grants hundreds of scholarships to students coming from African and Asian countries. No survey exists that shows the influence of these students after their return to their countries. But an Egyptian survey published in 1998 demonstrates that inside Egypt, only 23.8% of the physicians who graduated from the faculties of Al-Azhar are opposed to female circumcision, against 65.2% of physicians who graduated from Cairo University⁸.

¹ Rachewiltz, p. 169.

² Lewthwaite; Kane: bought and freed.

³ <http://www.haverford.edu/relg/sells/reports/4thB.html>

⁴ Sydney Morning Herald, January 27, 2001, www.smh.com.au/news/0101/27/review/review8.html.

⁵ See the fatwa in Aldeeb: Khitan, vol. I, annex 14.

⁶ Hicks, p. 27-28.

⁷ Gallo: La circoncisione femminile in Somalia, p. 15.

⁸ Abd-al-Hadi; Abd-al-Salam, p. 56.

Contemporary Palestinian Christians have begun circumcising their male children, whereas they never practiced it before. This phenomenon has been observed since Israel's occupation of the West-Bank in 1967. Muslims in this country often advance as argument in favour of the circumcision that Americans perform it. America for them is the dominant model. They don't invoke the African tribes who performed the circumcision long before Christopher Columbus discovered this continent.

The presence of the American military in Asia and in certain Western countries plays a role in the extension of male circumcision. It is notably the case in South Korea where the circumcision rate has become 91%¹. Information on the Internet indicates that the American military bases in Italy have contributed to the expansion of circumcision in that country. Many Italian sportsmen who train in the United States return circumcised². The same influence exists in Germany³. In this last country, many groups propagandize for male circumcision⁴.

One will finally signal that mixed marriages between Jews and non-Jews, as well as between Muslims and non-Muslims, contribute to the expansion of circumcision. Often, Christian women marrying a Muslim admit, without discussion, to circumcise their children. But some women are beginning to contest this practice. It leads to conflicts and divorces within the mixed families, and to the kidnapping of children. In order to avoid such conflicts and in the respect of the child's religious liberty, I proposed in a booklet on mixed marriages that married couples sign an agreement that the child remains intact until the age of 18 years so that they may decide freely⁵.

5) Marking the difference

We saw in the religious debate that Jews and Muslims consider circumcision as a distinctive sign. The Nazis recognized Jews by this sign. Circumcision has also been used as a sign of identification in the war of ex-Yugoslavia⁶. African women also consider female circumcision as a distinct sign similar to a tattoo and a scarification that distinguishes them from members of other tribes⁷. A Sudanese woman working in London says that when a woman lives abroad and feels hostility and isolation, she becomes even more attached to her traditions, one of which is female circumcision. To fight this practice efficiently, one should suppress these feelings of hostility and isolation⁸.

Lightfoot-Klein reports that in Uganda, a spread of Pharaonic circumcision is taking place in areas that have traditionally not circumcised women. Militant Africans have returned to Uganda from exile with new awareness of their culture and are seeking to preserve those African customs and folkways, rapidly disappearing in the wake of advancing westernization. These individuals look for endangered African customs they wish to preserve. In Uganda, they only have to look to their neighbours in Sudan. Pharaonic circumcision has been introduced into Ugandan areas in this fashion, and again it is the dominant class that is introducing it in its extreme form. Adolescents of both sexes have tried to escape the rites by fleeing their villages, but the village elders are systematically hunting them down⁹.

¹ Kim, p., 28-33.

² <http://www.circlist.org/critesitaly.html>.

³ <http://www.circlist.org/critesgermany.html>.

⁴ <http://www.circlist.org/critesgermany.html>.

⁵ Aldeeb: Mariages, p. 28-29 and 36.

⁶ www.circlist.org/critesbosnia.html.

⁷ Sanderson, p. 45-46.

⁸ Ismail, p. 63.

⁹ Lightfoot-Klein: Prisoners, p. 50.

Chapter 3.

Influence of religion on circumcision

Religion is one of the main factors in self-mutilation. Religious mythology and legend are two main sources of collective mutilations such as circumcision. Circumcision is considered as a sacrifice to divinities. Religion also serves as indirect additive factor.

1) Religious mythology as a means of explanation

Myths and legends include collective beliefs of the past that help us understand customs and contribute to their maintenance. Mutilation dominates most mythological and legendary thought about world creation.

The *Rigvada*, a Hindu holy book, states that the gods tied up the giant Purusa, sacrificed him, and divided his body into portions. From his eye the sun was formed, from his mind the moon, from his navel the midair, and from his head the sky. Earth came from his feet, and from his ear came the regions of the earth. His dripping fat formed the creatures of the air and animals both wild and tame. His mouth became the Brahman, his arms the Rajanya, his thighs the Vaisya, and his feet the Sudra¹.

One finds similar legends in practically all civilizations. In the Near East, the most famous legend is the one of the twin mates Isis and Osiris reported by Plutarch. In it Osiris was cut up into fourteen pieces by Seth (chaos) and scattered throughout the country. Isis searched for the parts of Osiris. She recovered all except his phallus that was swallowed by three fish representing forces of evil².

African tribes also have myths relative to circumcision's origin. Vergiat relates to us the myth of the Manjas:

At one time on earth, there were two brothers named Baganza and Yakoro. One day they killed an animal with delicate tasty flesh. They decided to offer it to Bazafan so that their women could not participate in the feast. After the ritual offering, they began consuming the animal's abundant flesh.

Yakoro was too gluttonous, he ate very quickly, and his hand didn't stop taking food. Baganza got angry, they argued and fought. During the struggle Baganza was wounded. His foreskin was torn. Very afflicted by this accident, he called Zoro to take care of him. After having examined the injury, Zoro decided on the complete removal of the foreskin. So Baganza was the first circumcised man.

Three days after, noting that Baganza didn't die of this operation and didn't suffer, Zoro decided to also circumcise Yakoro by reciprocity. He was the second circumcised man.

Zoro condemned them to remain close to the fetish of Bazafan until their complete recovery, since they had argued and fought so close to him.

When they were healed, women got a lot of pleasure with Yakoro and searched for circumcised men. The other men asked Zoro to circumcise them.

Since that time, for the Manjas, in every ceremony, the first and the second circumcised persons take the name of Baganza and Yakoro respectively, and in the camp one installs the fetish with a totemic representation of Bazafan³.

The myth goes on to add:

¹ Favazza, p. 23-24.

² Plutarque: Oeuvres morales, tome V, part 2, Isis et Osiris, p. 187-193.

³ Vergiat, p. 69-70.

When Baganza, the first circumcised, was healed of his injury, he constantly argued with his wife. He didn't want to make love to her anymore, because he held that his wife's sex was smutty and malodorous. Then, desperate, the wife of Baganza went to Zoro and asked him to make on her what he had made of her husband. Zoro accepted. Taking his knife, he entrenched her clitoris and labia minora. But after this operation Zoro became blind. Since that time, at the Manjas, it is an old woman who performs the clitoral excision¹.

For concerned populations, these myths don't defer from the Biblical myth of Abraham's circumcision in *Genesis* 17. Jews and Muslims continue to believe in this myth and millions of children are mutilated yearly because of it. It is also in the Catholic *Catechism* approved by the Pope in 1992. This *Catechism* says:

Signs of the Covenant: The Chosen People received from God distinctive signs and symbols that marked its liturgical life. These are no longer solely celebrations of cosmic cycles and social gestures, but signs of the covenant, symbols of God's mighty deeds for his people. Among these liturgical signs from the Old Covenant are circumcision, anointing and consecration of kings and priests, laying on of hands, sacrifices, and above all the Passover. The Church sees in these signs a prefiguring of the sacraments of the New Covenant².

But elsewhere, this *Catechism* tells us:

Except when performed for strictly therapeutic medical reasons, directly intended amputations, mutilations, and sterilizations performed on innocent persons are against the moral law³.

This biblical myth dominated the *Catechism* to the point that it ignores contradiction between these two paragraphs. Let's notice here another myth in the first paragraph, the myth of the Jews being the *Chosen people* and *God's people*. This racist concept means that all other people are not elected or beloved by God.

Myths accumulate through centuries and sometimes take on scientific appearance. We related some medical myths developed around circumcision. Montagu writes in this respect that: "The monstrous myths that have captivated men's emotions and shackled their minds, still afflict the minds of millions in so-called civilized societies [...]. It is the nature of myth that it is elaborated, but never proved"⁴. These scientific 'myths' had the objective only for proving the veracity of these religious myths. Ergo, there is inconsistency and lack of credibility.

2) Circumcision as a sacrifice to divinities

Self-mutilation has been performed to please a god or goddess, to calm divine anger or to receive spiritual blessings. These individual considerations are also in collective social behaviours and take the shape of widely varied rituals that the physician and philosopher Al-Razi (d. 925) severely condemned:

As well as a man, according to reason and justice, must not submit others to suffering, he does not have the right to submit himself to suffering. Many behaviours are rejected by reason. Indians burn their bodies and lay on sharp metal spikes. The Manicheans emasculate themselves to escape the temptation of mating, abstain from eating and drinking, allow themselves to become dirty and avoid the use of water that they replace

¹ Ibid., p. 90-91.

² Catechism of the Catholic Church, par. 1150.

³ Ibid., par. 2297.

⁴ Montagu, Foreword of the book of Ritter: Say no to circumcision.

with urine [...]. Christians opt for asceticism and retire to convents. Muslims isolate themselves in mosques, neglect gain, are satisfied with food of poor quality, and wear rough and painful clothes. Thus doing so, [all these people] commit injustices against themselves and undergo pains that do not serve avoidance of larger pains¹.

As one tries to prepare the best food for guests of prestige, so the man tries to offer the gods what he thinks is most valuable. He offered the gods burnt offerings of children and animals. Genitalia, the source of life, were also considered a favourite food of the gods. Some African tribes offered one of the testes. The man could not approach his wife until he accomplished this offering. The goal was that the woman doesn't give birth to twins. And when twins were born, the woman and her two children were burnt. Some tribes allowed the husband to repurchase his wife by sacrificing a slave. But the two children had to be sacrificed. For the Pueblos of Mexico, priests sodomized the most beautiful young man before offering him on the pyre to their sun god².

In ancient Egypt, one offered the Nile a doll in the shape of a girl dressed as if she was on her wedding day. They believed that if they didn't make the offering, the Nile would not bring them divine favours. The season of Nile flooding is still the auspicious period for circumcising girls. Her amputated parts are first attached around the girl's neck and then taken and thrown into the Nile. Egyptians believe that if they don't do this, the girl won't find a husband, will remain sterile, or her children will die at an early age³.

The Bible reports that Abraham received orders by Jehovah to sacrifice his son Isaac on the pyre. But the angel prevented Abraham from executing Isaac under God's new order by giving him a surrogate ram for his son. Although the Bible has abolished human sacrifice⁴, the Bible reports that the Jews, as other oriental people, continued to sacrifice children to divinities⁵. Possibly circumcision is a surrogate to the sacrifice of the eldest son of which one sees an echo in the following verse: "The firstborn of your sons you shall give to me. You shall do the same with your oxen and with your sheep: seven days it shall remain with its mother; on the eighth day you shall give it to me" (Ex 22:28-29).

If we observe the customs, we notice that they undergo modifications in their form and meaning. So, human sacrifice has been changed in animal sacrifice, or in a partial or total sacrifice of genitalia. Circumcision has been replaced thereafter by Baptism, and human or animal sacrifice by the Mass. Some Jews replace prepuce amputation by the amputation of a carrot for the circumcision ritual⁶. The Nive, of a South Pacific island, perform a ceremony in which the operator performs a mimic operation on his finger. When a Hindu joins the sect of Paira of Mahadev Mohammedans in Mysore, a betal leaf is substituted for the fore-skin and cut off. These are called 'mock circumcision' ceremonies⁷.

3) Religion as additive factor to justify circumcision

For Jews, the command to circumcise is expressed explicitly in Genesis 17 and Leviticus 12. For Muslims it is also implicit, and deduced from the fact that they feel they should be similar to Abraham who circumcised himself when he was 99 years old! We noted, in the religious debate, circumcision is a pre-condition for other obligations. Thus, the Muslim is

¹ Al-Razi, p. 105-106.

² Lanval, p. 71-77.

³ As'ad: Al-asl al-usturi, p. 38-39.

⁴ Dt 12:31 and 18:10; Lv 18:12.

⁵ See II K16:3 and 23:10; Jr 7:31, 19:4-6 and 32:35. On human sacrifices, see Al-Zughbi.

⁶ Romberg: Circumcision, p. 62.

⁷ Ibid., p. 3.

held to wash as a condition of validity for prayer. But as the foreskin prevents complete purity according to the Muslims, it becomes obligatory to excise it¹.

Circumcision can also ensue from institutions as foreseen by a religion. Among these institutions, we mention those most important to Muslims:

- Muslim law allows the man to have several wives. As the man cannot satisfy them all, he circumcises them in order to reduce their concupiscence.
- Muslim law allows the man to marry girls who are younger than him. This situation creates a sexual imbalance between the two. To resolve this imbalance the man corrects by circumcising the woman to reduce her sexual appetite.
- Muslims believe that females must come to the marriage virgin. Islamic law foresees the payment of a dowry to be higher when the girl is virgin. In order to help her protect her virginity and obtain a higher dowry, Muslims circumcise their girls, sometimes by infibulation.
- Muslim law forbids sexual relations outside marriage. When a woman becomes widowed, Muslims resort to infibulation to prevent her from having sexual relations.
- Muslims believe that masturbation is contrary to their religion. They resort to circumcision by estimating that male and female circumcision can prevent masturbation.

Thus, male and female circumcision expanded among the Muslims although it is not mentioned in the Koran. Similarly, Congo Christians understand the expression "Virgin Mary" to mean an unmarried girl who has been through initiation, and therefore has undergone the operation of her sex organs. If the Virgin Mary were circumcised, it would also be necessary that Christian women be circumcised².

Chapter 4.

Circumcision and control of sexual instinct

Sex plays an important role in self-mutilation. It also plays a role in social behaviours, of which male and female circumcision is bound to a myriad of negative perceptions about sexuality and a means of coercion against both men and women.

1) Circumcision and negative perceptions of sex

Every society has its perception of sexuality. The more there are moralized sexual restrictions in a society, the more the society has a tendency to practice male and female genital alterations. Philo and Maimonides considered male circumcision a means to limit concupiscence. Europe performed both male and female circumcision under the influence of their phobia to masturbation, and this does not exclude the present practice of male circumcision in the United States as the result of its conservative perceptions of sex.

The Muslim society is probably the most conservative in the domain of sexual relations, at least in theory, under the influence of the religious norms. In this society, a girl who loses her virginity risks being killed by a family member. Her virginity is proven on the night of her marriage by the bed sheet having a spot of blood. In Egypt, it is a woman who deflowers the bride with her thumb. This negative perception of sex is one of the reasons that the majority of circumcised men and women in the world are Muslim.

¹ See part 2, chapter 3, section 6.1 and section 7.4.

² Hicks, p. 28.

2) Means of sexual control

In addition to punishment, men had recourse to different methods to refrain from sexual intercourse. Among these means, one counts prayer, fasting, and shaving the head as Buddhist and some Muslim monks. After France's World War II liberation from Germany French women who had sex with German soldiers had the hair on their heads shaved as punishment. Among Orthodox Jews, married women are obliged to shave their own heads as a sign of humility and submission to their husband. They are then obliged to wear a wig as part of their dress¹.

Enter into this domain the many barriers between the sexes. As it is men who established these barriers, they imposed on women sterner barriers than those imposed on men. So the Koran imposed the veil to women but not men. It prohibited them from showing their beauty (including their face and their hands according to certain jurists who cite Koran 24:30). It imposed that they remain home (33:33) and to leave home only when accompanied by a parent and after having obtained the authorization of the husband or guardian. The Muslim jurists justified their unfavourable attitude toward women by the thought that women are more influenced by sexual passions. Al-Nafzawi (d. 1324), mentioning another author, says: "Don't you know that the religion of women is their vagina?"² He added: "Know, God be merciful of you, that their scheming is enormous and they use cunning more than the devil. God says: 'Your device is indeed mighty' (12:28) and elsewhere he stated: 'Surely Satan's strategy is weak'" (4:76)³. Thereby the custom of the harem came to the Muslims. Women were sequestered in there, and only the castrated could reach them⁴.

Evidently, Muslims try to defend themselves by saying that God established these rules, not men. The same pretext is repeated with regard to male and female circumcision. God has good foresight.

3) Male circumcision, one means of control

We saw in the medical debate that Philo, Maimonides, Thomas Aquinas, Ibn-al-Assal, Ibn-Qayyim Al-Jawziyyah and others considered male circumcision a means to inhibit sexual concupiscence. For the same erroneous reasons, the West resorted to this practice as a way to prevent masturbation. This last justification is repeated again today by Muslim authors.

In addition to circumcision, the West invented instruments and special clothing against masturbation functioning according to the principle of the chastity belt. And despite the disappearance of the masturbation phobia, the chastity belt seems to be recovering a certain vogue according to the numerous articles published on the Internet⁵. To avoid a repetition, we will speak about it in the following point because this means is especially aimed at women.

A less complicated system is infibulation, a term used today to speak of the Pharaonic circumcision of women, but which initially concerned men as well as women. This term is derived from the word fibula that designates a buckle attaching the two tips of a tunic. Celsus speaks of this operation on the male. The foreskin was pulled above the glans, pierced, and then attached to the penile shaft by a metal thread⁶.

This operation, performed on slaves, actors, singers and athletes, aimed at preventing penile erection because of the pain provoked by the thread. It also served to prevent semen

¹ Zwang: Motivations for modifications, p. 203-207.

² Al-Nafzawi, p. 71.

³ Ibid., p. p. 127.

⁴ Ayalon, p. 68-69.

⁵ Search in Altavista under belt of chastity.

⁶ Celsus: De Medicina, VII, 25. See Dingwall: Male infibulation, p. 3-4.

exit and sexual relations in order to maintain a good physical condition and an acceptable voice. But far from preventing active sexuality, this operation excited women who thought an infibulated man, having been prevented of sexual relations for a certain period of time, was more effective on the sexual level. Some jealous women were careful to infibulate their favourite slaves¹. One reads in Martial (d. ca. 104) the following verses:

Answer me honestly. Fibula, what are you good to comedians and zitherists? Is it to copulate for a higher price²?

Juvenal (d. ca. 130) reports that Roman women paid too much money in order to break the fibula of a man³.

Infibulation had been proposed in Europe for birth control. The French physician Dionis, friend of king Louis XIV (d. 1715), described this operation as having served to prevent sexual intercourse until the age of 25, preventing sexual strengths from vanishing, and generating strong children to serve the State⁴. In 1927 Dr. Karl August Weinhold proposed wholesale infibulation of a large part of the male population. Varying in different individuals, the age-limits were generally from 14 to 30, and included such diverse sections of the community as beggars, unemployables, and all soldiers in the lower military ranks⁵.

A French magazine of 1822 reports the case of a French man who met a very attractive Portuguese woman with whom he became violently enamoured. So great indeed was his passion that he remained some years in Portugal. He slowly began to realize that the woman was of an excessively jealous disposition. One morning before rising he suddenly felt a sharp prick in his prepuce, and on making an examination he discovered that he had been infibulated with a neat little gold clasp which had passed through the foreskin, closed quickly by means of a spring, and could only be opened by a little key which he found was in the possession of the woman. His passion for her, however, was of such a nature that he yielded to her entreaties and consented to wear the clasp, which was of course removed as occasion required. To his surprise one morning however he found that she had slipped a second one by the side of the first, and as on the former occasion the entreaties and prayers of his mistress succeeded in persuading him to wear both of them. This continued for four or five years, until owing to their constant removal and re-attachment, the state of his member was such that he was compelled to seek medical relief⁶.

As we saw in the medical debate, infibulation has been performed in the West even into the 20th century to fight against masturbation⁷. It seems that it also continues to be performed there, notably in surroundings that have adopted piercing. There are many articles about this topic on the Internet⁸.

To the aforesaid measures, it is necessary to add castration of which we spoke about in the religious debate.

4) Female circumcision: one means of control

For women the means are similar to those developed for men. We saw that the main argument in favour of female circumcision is to keep in check women's sexuality.

¹ Dingwall: Male infibulation, p. 6, 17, 21-22, 26; Caufeynon, p. 9-10.

² Martial: Epigrammes, XIV, 215.

³ Juvénal: Satires, VI, 73.

⁴ Dingwall: Male infibulation, p. 49-51.

⁵ Ibid., p. 54-55.

⁶ Caufeynon, p. 58-61. Dingwall: Male infibulation, p. 58

⁷ See part 3, chapter 6, section 2.2.B.

⁸ See <http://public.diversity.org.uk/deviant/fsprmprc.htm>; <http://www.tpe.com/~altarboy/dorisd.htm>.

The sternest shape of female circumcision is female infibulation, which is similar to male infibulation. It is a system used by veterinarians to prevent a mare from having sexual intercourse. Romans resorted to it in the same goal for their slaves as well as for women who were dedicated to a cult. We also saw that Western physicians used it to prevent masturbation.

A British magazine, of 1737, reported that a man who, working five miles from home, decided to make sure of his wife's fidelity, sewed shut her private parts. She eventually told her mother and some neighbours who released her from her pain. The man was brought to trial and it is recorded that he was fined twenty shillings and imprisoned for two years. As he left the court, women assembled outside and scratched him unmercifully because his crime was not only 'of great damage' but also a negative reflection on the moral uprightness of the whole of womankind¹.

An unknown Italian author, at the end of the 19th century, reported that slave traders in Asia Minor sewed the labia majora of their slaves to protect their virginity. When a potential purchaser presented himself, he undid the sewing. The author also related the case of an Ottoman woman that, after a long absence, brought back a gift to her husband of a sewn girl from Armenia².

Infibulation has often been used in surroundings that could not afford eunuchs or chastity belts to inhibit their women³. It was performed by using a wire welded by a blacksmith, a padlock, or merely by sewing with thread. In Sudan and Somalia, they sometimes resort to thorns to join amputated parts so when they heal the result is a closing to the vaginal entrance.

Infibulation is not only performed on girls, but also on women after childbirth, absence of a husband, divorce, or widowhood. Its objective is to prevent illegitimate sexual intercourse. But this system is not very reliable. A girl who was not a virgin at marriage because she was raped or had sexual intercourse needed only to have herself sewn shut again to create the appearance that she was a virgin. Women have had themselves defibulated to have sexual intercourse in her husband's absence and then reinfibulated before his return⁴.

Next to infibulation, men invented mechanical systems to forbid sexual relations. Homer tells that Hephaestus, god of fire, forged bonds which might not be broken or loosened, spread them everywhere round about the bed-post and many too were hung from above, from the roof-beams, fine as spiders' webs, so that no one even of the blessed gods could see them. When his wife Aphrodite went to a couch to sleep with Ares, about them clung the cunning bonds. They could not stir their limbs or lift them up in any possible way⁵. Greeks and Romans had the custom to put on their fiancée's a wool belt called a Belt of Hercules that only the husband could remove after the marriage⁶.

One author assigned the invention of the chastity belt to the crusaders. They used it to close their women before going to war and carried the key with them. But probably this invention is from the end of the 14th or beginning of the 15th century. It has its origin in Italy and from there it expanded to other European countries. Its goal was to prevent conjugal treason and to avoid the transmission of infectious diseases. Some nuns used it to prevent

¹ Dingwall: Male infibulation, p. 59.

² Storia della cintura, p. 30-31. See also Caufeynon, p. 56.

³ Caufeynon, p. 7; Jousseume, tome II, p. 41, 413, 512.

⁴ Lightfoot-Klein: Prisoners, p. 13, 157-158; Jousseume, tome II, p. 513.

⁵ Homer: The Odyssey, VIII, 266-360.

⁶ Caufeynon, p. 3; Storia della cintura, p. 40.

rape¹. It was very in vogue in Italy during the time of Voltaire who wrote in 1716 a poem titled *The Padlock*, addressed to a woman to whom the husband had imposed the belt. He says:

In Venice and in Rome,
There is no pedant, bourgeois, or gentleman,
Who, to keep the honour of his house,
Of padlock has his provision².

Although this belt was supposed to protect the chastity of women, some didn't hesitate to resort to a blacksmith to manufacture them a second key. Numerous Western literary works, paintings, and Western sculptures are dedicated to such adventures³. One report in this respect is that Cardinal Richelieu (d. 1642) was in love with Queen Anne of Austria, but she preferred the Duke of Buckingham. To take vengeance, Richelieu presented King Louis XIII with a chastity belt in order to protect the French crown's honour. The king imposed the belt on the Queen despite her tears. But she called from Milan a blacksmith who manufactured her a second key⁴. Some thought the chastity belt didn't necessarily aim to restrain passions, but to exacerbate them. Some belts included drawings and erotic texts. Likewise, some women have found pleasure with it as with strokes of a whip. They remained attached though they had the means to rid themselves of it⁵.

Although there are no laws forbidding the use of the chastity belt, courts had to judge cases of its abuse in France in 1750, 1892 and 1934, and in Spain in 1882⁶.

Today some people defend infibulating women under the pretext to protect morals. The same phenomenon occurred in the West with regard to these belts of chastity. Thus, a French prospectus of the end of the 19th century said:

Device guardian for women's fidelity:

With simple armour and lock	120 Frs.
With simple tidy and luxurious armour and lock	180 Frs.
With simple armour and lock in silver, all very tidy	320 Frs.

It is sent, in return after payment to the post office in favour of Mr. Cambon, notary and mayor ... who is charged with receiving and warranting funds. A similar invention doesn't need praise ... Thanks to it, one will be able to put girls to the shelter of the misfortunes that cover them with shame and drive families to mourning. The husband will leave his wife without the fear that his honour will be outraged and his affections estranged. Many discussions and shameful actions will cease. Fathers will be sure of their parenthood and will not harbour the terrible thought that their children may be the offspring of another, and it will be possible for them to keep under lock and key things more precious than gold. In one time of misfortune as the one in which we live, where there are so many sucker spouses, so many mothers deceived, I believed to make a good action and to give back service to the society by offering an invention aiming to protect our good customs. And it is necessary to be sure of its utility to announce it and to

¹ Lorenzoni, p. 23-26; Dingwall: *The girdle of chastity*, p. 14; *Storia della cintura*, p. 44-46.

² Voltaire: *Oeuvres complètes*, vol. IX, p. 566-568.

³ Dingwall: *The girdle of chastity*, p. 48-70, 129-159.

⁴ *Storia della cintura*, p. 49-53.

⁵ Lorenzoni, p. 31-41, 56; Caufeynon, p. 75-76. This theory is rejected by Dingwall: *The girdle of chastity*, p. 89.

⁶ Caufeynon, p. 37-74.

brave the jokes that will surround it. One will say that the enterprise is mad. But what is maddest, the inventor of the straitjacket or those that have need of it¹?

The chastity belt didn't limit itself to the West. An author in the beginning of the 20th century reported that Sudanese nobles allowed their women to leave the house. But before leaving, eunuchs put in their vagina a piece of sugar cane attached with chains closed with key and surrounding the women's hips. The key was kept by the eunuchs. In the Caucasians, girls carried a dress of leather around their hips so that only the husband could open it².

It is well known that many thousands of girls who have lost their virginity are more and more often going to surgeons to be sewn. An Egyptian journalist proposes a special chastity belt that would prevent sexual relations. This belt would include a piece of iron as big as a currency piece that one would put in the girl's vagina and that could be removed only by the husband during the wedding night. The husband can also install it back into his wife before traveling. This device, currently under study, would include blades that would wound those who try to have sexual intercourse with the girls equipped with it³.

Chastity belts for men and women appear to be coming back and nowadays fashionable, as attested to by over a hundred sites on the Internet, such as those marketed by youlookhot.com. They are even sold on e-bay! Theoretically, they serve to protective fidelity, but they continue stimulate sexual excitement. Some rich Arabs have imported such belts in diplomatic suitcases⁴. An English manufacturer claims that his belts contribute to abolishing female circumcision in Muslim countries since they fill the same role⁵. One also finds on the Internet contract models that could be signed by the one who imposes the belt and also the one who wears it, with terms indicating, for example, the number of authorized sexual relations they may have⁶.

Chapter 5.

Circumcision and marriage

Though male and female circumcision has been used check concupiscence, it is also considered a preparation to marriage. Some hold that it contributes to the separation of the two sexes, to identify them, and to make the man and woman more attractive. For some it is besides a condition for marriage. Finally, in some places circumcision has been thought to encourage fertility and elsewhere, on the contrary, thought to serve as a means of birth control.

1) Circumcision, operation of sex separation

For our understanding of the reasons for the practice of male and female circumcision, it is important to remember that the primitive mythology of many African tribes, including that of the Egyptians, has postulated the bisexuality of the soul. The idea of the bisexuality of the soul is a certain reflection of the belief in the bisexuality of their gods. Numerous gods of the ancient Egyptian pantheon were considered to be hermaphrodites.

Now, just as certain gods were believed to be bisexual, so every person was believed born with both aspects of the male and female soul. These souls reveal their respective physio-

¹ Dingwall: The girdle of chastity, p. 117-118.

² Caufeynon, p. 56-57.

³ Shawkat, p. 129.

⁴ www.tpe.com/~altarboy/ceint-fr.htm.

⁵ www.tpe.com/~altarboy/not80531.htm; www.tpe.com/~altarboy/not80605.htm.

⁶ www.tpe.com/~altarboy/not90203.htm.

logical characteristics in and through the procreative organs. Thus, the female soul of the man is located in the prepuce, whereas the male soul of the woman is situated in the clitoris. This means that as the young boy grows up and finally is admitted into the masculine society, he has to shed his female properties. This is accomplished by the removal of the prepuce, the female portion of his original bisexual state. The same is true with the young girl, who upon entering the female society is delivered from her male properties by having a part of her clitoris, or her entire clitoris, and labia excised¹.

This very ancient concept doesn't exist in classic Muslim jurists' writings, but it continues to be conveyed in Egypt. An Egyptian woman testified that she got married without being circumcised. Having failed to have sexual relations with her, her husband began to blame her for not being circumcised. When he met his stepmother, he told her: "You married me to a man and not to a woman". He insisted his wife be circumcised. Some weeks after the woman's circumcision, the sexual relation problem was perceived solved². One reason invoked for female circumcision in Egypt is to perfect the woman's femininity. If she is not circumcised, she is equal to her husband in the sexual act. Others say that lack of circumcision makes the girl resemble a boy³.

We find a similar concept in African tribes. Thus, the Dogons and Bambaras tell that once men were born androgynous. In this original condition, it's considered each of the two sexes had vestiges of the opposite sex. The man's foreskin was discerned a survival of the vagina. It constituted for the male the female soul support. In the same way the clitoris was thought to have been the vestige for the woman of the penis and thus the seat of the male soul. The presence for the individual of these two male and female principles, and the duality that exists between them, provoked a conundrum. After circumcision, peace is re-established for society and the individual who is now definitely classified singular⁴.

The Ivoirian sociologist Touré reported that after the ritual of initiation that includes circumcision, the circumcised leave, in the sense of being reborn, their place of containment and burn all objects on a crossroads including the clothes they used during the ritual. Boys then jump three times on this purification fire before running toward the village without turning around. As for girls, they jump four times. The number 3 symbolizes the man: 1 penis and 2 testes. The number 4 symbolizes the woman: 2 small lips and 2 big lips. But before the ablation, the man and woman are considered impure by being androgynous. Before circumcision both sexes are designated as possessing the number 7. This is the sum of the man (3) and of the woman (4). After circumcision, the man becomes 3, and the woman 4. Then they will be able to unite henceforth to form again the number 7⁵.

This concept of bisexuality also has its Western proponents. One representative of this is Elisabeth Badinter⁶, who is severely criticized by the sex therapist Gérard Zwang who qualifies it 'old stupidity'. He wrote:

Neither mares nor lionesses nor female elephants are bisexual. And yet they have a clitoris. Idem of the woman [...]. And why not to remove the clitoris of bitches and pussies? To avoid them the torturing bisexuality⁷.

¹ Meinardus, p. 319-322.

² Al-Sha'b, 18.11.1994, in Ramadan, p. 80-81.

³ Rizq, p. 21; Abd-al-Salam: Al-tashwih, p. 21; Abd-al-Salam: Female sexuality, p. 75.

⁴ Ombolo, p. 105-106.

⁵ Touré, p. 24.

⁶ Badinter: XY de l'identité masculine.

⁷ Zwang: Histoire des peines de sexe, p. 118-119. See also Zwang: Functional and erotic consequences, p. 75.

2) Circumcision, aesthetic operation of sexual appeal

Mankind takes a lot of care in his outside appearance and to be accepted by others, notably by the opposite sex. Products of beauty make up a part of every household's budget. But others do not necessarily appreciate what some consider beautiful. Examples are not missed in this domain. One doesn't discuss tastes and colours. This appreciation defers from a person to the other, from one place to another, and from one time to another. But one can discover tendencies inside certain groups. These tendencies can have value of the norm to which members of a group must conform. Those who don't conform are considered marginal or anomalous, and can be ostracized. Many people submit to expensive and painful aesthetic operations. These operations concern all body parts. An article estimates that in 1997 700,000 such operations were performed in the USA, up 70% in four years. But the professions agree that those numbers are a vast understatement, perhaps by as much as half, since they do not include the many procedures performed by dermatologists, ophthalmologists, ear, nose and throat specialists, dentists and others¹. Some consider male and female circumcision as being an aesthetic operation.

A) Male circumcision and aesthetics

Despite the modesty connected to genitalia, they captured the interest of mankind and were considered as objects of worship in different cultures. Painters and artists dedicated works to them. Men also took care of their genitals to make them more attractive and erotic. Al-Nafzawi (d. 1324) dedicated a chapter aiming to increase the dimension of small members and give them splendour². The *Kama Sutra* indicates methods adopted by Indians to increase the pleasure by widening, lengthening and piercing the penis³. Nowadays there are medical techniques to lengthen and to thicken the penis⁴ and some perform penis piercing or place materials beneath its skin⁵. Also, there are different customs relative to penis decoration in many people and tribes. But we limit our discussion here to the question of circumcision.

Although Jewish and Muslim writings consider the foreskin an impure organ and, as such, prescribe to cut it, these writings don't make a link between circumcision and aesthetics. But if one speaks with Jews and Muslims, they indicate, with some constraint, that the circumcised penis is more beautiful than the uncircumcised one. Some of pornographic magazines show photos of the circumcised penis, probably because the skin of the erected penis is tighter and the glans is more visible even without erection. A German group in favour of male circumcision bases its propaganda on the pretence that the circumcised penis is more beautiful⁶. But opponents to male circumcision contest this argument. In fact, the operation of circumcision presents risk of deformities and scars that are not pleasant to see. Many legal suits have occurred because the result of this operation doesn't correspond to canons of the social aesthetics in force.

Besides these data, one advances here that sculptors and artists of the Greek, Roman and Renaissance periods presented preferably intact penis, even when they knew that the person in question was circumcised. So the child Jesus is often presented uncircumcised. The same with the famous statue of David sculpted by Michelangelo (d. 1564). These sculptors and artists wanted, in fact, to present a perfect human body not mutilated by circumcision⁷.

¹ Gross: Girls seek beauty under knife.

² Al-Nafzawi, p. 163.

³ Vatsyayana: Kama sutra, part 7, chap. 2, p. 189-195.

⁴ Bonnard; Schouman: Histoires du pénis, p. 107-110.

⁵ Ibid., p. 148-154.

⁶ Szene Hamburg, 8/96 InfoCirc, Kennwort SH, Postfach 100405, D-46524 Dinslaken.

⁷ Steinberg, p. 193-194, 214-219. See also Bigelow: The joy, p. 113; Doiteau.

One signals in this respect that those who restore their foreskin advance aesthetics as a reason for their choice.

B) Female circumcision and aesthetics

There are two diametrically opposite concepts of female genital aesthetics. Some people prefer them stretched, and others to the contrary, prefer them amputated.

In Benin, girls who are nine to eleven years old, that is, whose breast are beginning to develop, assemble in compounds and groups to massage and enlarge the lips of their vaginas. They gather at sundown behind the house of the woman in whose care they have been placed. With a shaped piece of wood, this woman manipulates the lips of the vagina of each girl, pulling at them, stretching them, and lightly puncturing the vaginal tissues in several places. This is continued for a minimum of two years. In addition there is outer massaging of the lips to cause thickening and muscular development, for thin-lipped women are considered lacking in comeliness¹.

In this same country, Muslims resort to ablation of the clitoris and the small lips. One justifies this practice as follows:

For the majority of the population this practice is guided by the worry of aesthetics and inferiority complex. [...] The non-excised girl is indexed and her friends mock her. [...] That can harm the sexual relationship. And if she finds a husband, she undergoes the humiliation at the time of childbirths out of health centers by reason of her unaesthetic clitoris².

We already saw in the religious debate that female circumcision in Egypt has been justified by aesthetics. According to unconfirmed theories, Egyptian women suffer from clitoral hypertrophy. This argument has also been used by Ibn-al-Haj (d. 1336) to distinguish between women of the Orient, who have an excrescence, and those of the Maghreb that don't. Therefore, only Oriental women should, according to him, be submitted to female circumcision³.

Certainly, female genitalia don't all have the same shape. But studies don't confirm certain exaggerations bound to a determined ethnic or national group⁴. Probably the description of the Arab physician Al-Zahrawi (d. 1036) remains nearest to reality. He writes:

The clitoris may grow in size above the order of nature so that it gets a horrible deformed appearance; in some women it becomes erect like the male organ and attains to coitus. You must grasp the growth with your hand or a hook and cut it off. Do not cut too deeply, especially at the root of the growth, lest haemorrhage occur⁵.

There can be anomalies. But the problem with the Muslim authors who sustain female circumcision is that they invoke their aesthetic criteria to justify generalized operations, as if all women would be affected by congenital deformity. So Dr. Abd-al-Sabur Shahin explains: "The position of Islam with regard to the woman in this precise domain is aesthetic. If the clitoris exceeds the reasonable and admissible limit, it loses its aesthetic aspect"⁶. But this author doesn't tell us if the circumcision of 97% of Egyptian women can be justified in this manner.

¹ Bettelheim, p. 143. See also Ombolo, p. 55-59; Rachewiltz, p. 120-124, 152.

² Azomahou; Madeleine, p. 196.

³ Ibn-al-Haj, vol. 2, p. 296.

⁴ Davis, p. 154-155; Hosken: The Hosken report, p. 78; Zwang: Histoire des peines de sexe, p. 119.

⁵ Albucasis, p. 456.

⁶ Al-Sha'b, 30.9.1994, quoted by Salim: Dalil al-hayran, p. 39.

Evidently, opponents of female circumcision reject the aesthetic argument. For them, the aesthetic operation aims at a returning to the natural aspect of the organ by suppressing what is deformed or exceeding. However, they say, female circumcision consists in amputating a healthy, natural organ, and actually deforms the female genitals¹.

Let's also note here that those who perform the Pharaonic circumcision find the sewn and smooth vagina aesthetic². But Koso-Thomas states the opposite³. As for Al-Tajani (d. 1309), he praises the fleshy and big vagina and says that Arabs preferred it instead of the small puny vagina⁴.

3) Circumcision as a preparation and condition for marriage

A) Male circumcision and marriage

For Jews and Muslims, circumcision is considered a condition for marriage. In the previous two sections, the separation of the sexes and the link between circumcision and aesthetics indicate that circumcision is a preparation for marriage. For certain people, it takes place before the marriage. Philo (d. 54) affirmed this to the Ancient Egyptians⁵. It continues in certain Arab tribes today⁶. The Bible indicates that Ishmael was circumcised at 13. This was the age to which the man is allowed to marry and procreate. The biblical prescription of the 8th day for circumcision probably marks a belated evolution aiming to better control the child.

This link between circumcision and marriage reflects itself in the Arab term *khatan* that has different meanings: the circumcision, the father, the brother of the wife, or the girl's husband. It also evokes the wedding ring's symbol of alliance as indicated by the term *khatam*. Jousseume speculates that the present gold ring we wear on the finger replaced the ring of flesh made by the foreskin cut at the time of the circumcision. One answers to the wife's vaginal ring by the offering, in exchange, the preputial ring. Carnal rings of alliance that one carried on the finger mainly occurred when metals were unknown⁷. One recalls here that Saul asked David for 100 Palestinian foreskins as a marriage dowry for his daughter Michal. David presented 200 foreskins, (I S 18:25-28). Nothing is too expensive to get the woman one wants.

Tangwa reported a discussion he had with an elder of the Nso' tribe in Cameroon that shows their link between circumcision and marriage:

Yes, the uncircumcised penis is very sensitive. By simply rubbing it, an uncircumcised man can get the type of pleasure that you and I can only get by penetrating a woman. So, such a person may not feel the urge to get married and, if trouble comes and an alarm is sounded for men to come out, he may prefer to hide and rub his genitals; or else, he may become a real *kib* (he-goat), smelling any female from a distance and rushing madly after her⁸.

For the Bariba and other groups of Benin, circumcision is still the most important event in a young man's life. He gains status from the moment he is circumcised. To the contrary, those who are not circumcised are considered to be of an inferior class, and a decent Bariba

¹ Uwais, p. 13. See also Ramadan, p. 54; Abd-al-Salam; Hilmi, p. 61-62.

² Gallo: La circoncisione femminile in Somalia, p. 103; Lightfoot-Klein: Prisoners, p. 99-101; Sanderson, p. 49.

³ Koso-Thomas: The circumcision, p. 7 and 10.

⁴ Al-Tajani, p. 330 and 333.

⁵ Philo: Questions and answers on Genesis, Book III, 47.

⁶ See part 2, chapter 3, section 8.I.A.

⁷ Jousseume, tome II, p. 65.

⁸ Tangwa, p. 187.

woman should not have intercourse with such a man¹. In the Xhosa tribe in South Africa, men are circumcised between the ages of 18 to 22, or even later. No girl who respects herself in this tribe accepts marriage to a man who is not circumcised².

A Moroccan author writes that circumcision "confers purity to the man. To make love with a non-circumcised man is equivalent to blasphemy"³. The same aversion is also found in Tunisia. Bouhdiba writes:

Recently Tunisia began to admit that a Muslim Tunisian could marry a non-Muslim woman. This is a daring measure, unique through the Muslim world, and is discussed regularly even in the Tunisian Parliament. However, what shocks most people in this affair is the idea that a Muslim can lie down with a non-circumcised woman, even in legal marriage⁴.

Bouhdiba finds correlation between circumcision and marriage ceremonies:

To follow closely the process [of the feasts of circumcision and marriage], it is difficult not to see a way out of the repetition of ceremonies of the marriage. The two ceremonies are structured in the same way and some days carry the same name. The before-vigil on the circumcision day in Tunisia is called the same name as the wedding night: *utyā*, from *wata'a*, for coitus⁵.

Let's note here that Algerian newspapers call the circumcision festivities *Ihtifal zawag al-khitan*, meaning: festivities of the marriage of the circumcision⁶.

B) Female circumcision and marriage

Female circumcision is part of the preparations for marriage and is a condition of it. An old African explains this link as follows:

One doesn't cut the clitoris of small girls since it serves masturbation. Cutting the clitoris predisposes procreation and marriage. When their clitoris is removed they don't masturbate anymore. It deprives them of a lot. Then all the desire carries itself towards the inside. They therefore expeditiously try to get married. Once married, instead of feeling dispersed and weak sensations, they concentrate all in the same place, and married couples know a lot of happiness, which is normal⁷.

In Kenya, Uganda, and West African countries as Sierra Leone, a girl may have a child out of wedlock to prove her fertility, then undergo genital mutilation and be married afterwards⁸. Some Nigerian groups perform female circumcision just as the girl is about to get married or when her first pregnancy reaches about seven months⁹. In Guinea, during their initiation ritual, which includes circumcision, girls receive information carrying on the knowledge of the woman's role in the home, as a wife, and as the mother of a family. When the girls have finished this stage, they find suitors and marry¹⁰.

The link between female circumcision and marriage is also correlated in Egypt, as affirmed in a papyrus of the year 163 B.C.¹¹, Philo (d. 54)¹, and Bruce². In the village of Deir Al-

¹ Newsletter of the Inter-African committee, no 12, June 1992, p. 9.

² Crowley; Kesner, p. 318.

³ Serhane, p. 149.

⁴ Bouhdiba, p. 214.

⁵ Ibid., p. 222-223.

⁶ Al-Khabar, 23.8.1999.

⁷ Lantier, p. 271-272.

⁸ Toubia; Izett: Female genital mutilation, an overview, p. 2.

⁹ Odundan; Onadeka, p. 103.

¹⁰ Rapport du séminaire sur les pratiques traditionnelles, Dakar, 1984, p. 221.

¹¹ Greek papyri, vol. I, p. 31-33. See part 2, chapter 1, section V.1.

Barsha with a Christian majority who abandoned this practice, people refuse to intervene with others to persuade them not to circumcise: "Each governs his house. Suppose that I counsel a mother not to circumcise her girl and that this last doesn't find a spouse. What will then be my position?" One invokes then the story of the girl sent back to her family after her marriage because she was not circumcised³.

Sudanese girl is taught from a young age that she won't find a husband if she is not circumcised. She is dressed in her more beautiful dresses, with jewellery, henna, and perfume and sometimes she is called the bride⁴. Lightfoot-Klein reported that a village chief in Sudan had told the men that it would be better to have *Sunnah* done on their daughters instead of Pharaonic circumcision, but they had all refused because men would not accept them if they were not sewn shut⁵. The Somali Waris Dirie writes:

The mothers comply by circumcising their daughters, for fear their daughters will have not husbands. An uncircumcised woman is regarded as dirty, oversexed, and unmarried. In a nomadic culture like the one I was raised in, there is no place for an unmarried woman, so mothers feel it is their duty to make sure their daughters have the best possible opportunity – much as a Western family might feel it's their duty to send their daughter to good schools⁶.

But if female circumcision is a means to assure marriage, it can also serve to determine the husband. The Somali women who obtained refuge in Switzerland informed a Swiss searcher that circumcision was necessary for the marriage of their girls. The searcher told them that their girls could find Swiss husbands who don't require circumcision. The Somalis kept the silence. The searcher had just given them a very important argument to circumcise their girls⁷. These women decided to circumcise their girls in order to prevent them marrying Swiss men.

4) Circumcision, fertility and birth control

A) Male circumcision and fertility

In the Bible, circumcision is the sign of the Covenant and is bound to fertility. The order given Abraham to circumcise is accompanied by the promise: "I institute my alliance between me and you, and I will increase you extremely" (Gn 17:2). Anthropologists propose that the origin of male circumcision was a type of sacrifice performed to a fertility goddess. It placed the child under her protection and consecrated its reproductive powers to her service. One finds an echo to this concept with the Australian aboriginal men who present their foreskins to their mothers or sisters partly to ensure the women's good will, and partly to satisfy their demand for circumcision. But one may also infer that men expect something in return for the sacrifice⁸.

Bettelheim explains that primitive people believed they would be better able to attain the assurance of the fertility of animals, plants, and humans thanks to the influence of the magic and religious ceremonial. Moses brought water out of a rock thanks to a stroke of his staff. (Ex 17:1-7). Primitive men, to insure the fertility of animals, painted them in a state of pregnancy within inaccessible caves representing the womb, where these animals come

¹ Philo: Questions and answers on Genesis, Book III, 47.

² Bruce, vol. 3, p. 348-349. See the text of Bruce in part 2, chapter 2, section 3, sub-section 1.2.

³ Abd-al-Hadi: La taraju, p. 60.

⁴ Baasher, p. 78-79.

⁵ Lightfoot-Klein: Prisoners, p. 9.

⁶ Dirie, p. 232.

⁷ Beck-Karrer: Refugee women, p. 63.

⁸ Bettelheim, p. 95.

into existence. In the same way, in Australian aboriginal society, men decorate themselves (i.e., change themselves symbolically) to represent the animal they wished to procreate abundantly. It seems plausible that the changes they make on their own body through circumcision have the same goal to assure their own fertility. The fact that, among certain Australian tribes, the initiation ceremony is always celebrated before the harvest may also be significant. But circumcision is not the only magic ceremony aiming to ensure fertility. Some societies have ceremonies in which oversized breasts and phalli are used as expressions of the power of fertility¹.

The link between circumcision and fertility is clear in Egyptian myth. In the *Book of the Dead*, also called *The Papyrus of Ani*, we read:

What then is it? The drops of blood it is which come forth from the phallus of Ra after he set out to perform the mutilation upon himself. They came into existence as the gods who are in the following of Ra, Hu and Sa, and they are following Tmu in the course of the day².

The phallus sign represented in Hieroglyph shows this organ without a foreskin. This sign, called *ankh*, is the symbol of life; it became thereafter the handled Egyptian cross. Isis was the consoler of lovers and the holder of power over sexual matters. She is portrayed surrounding the circumcised *ankh* by two snakes representing the two circumcised sexes, for snakes shed their skin. This is represented today in medicine's caduceus³.

Philo connected circumcision to fertility and considered fertility as one of the justifications for this practice. He explained:

The fourth and most vital reason [of circumcision] is its adaptation to give fertility of offspring, for we are told that it causes the semen to travel aright without being scattered or dropped into the folds of the foreskin, and therefore the circumcised nations appear to be the most prolific and populous⁴.

The Egyptian doctor Soubhy quoted before expresses a similar idea⁵.

Although, as a rule, women are excluded from the male initiation ceremony, which includes circumcision, the Kipsifi of Kenya and the Nandi make an exception for sterile women and admit them to this ritual to acquire wanted fertility⁶. We saw that the Jews also believe circumcision is a remedy against barrenness. For this reason, some *mohels* take with them a childless married couple, even without warning the infant's family⁷. The Jewish Algerian in France have the custom to put under the chair used in the circumcision a bottle of water that they give to drink like remedy to the sterile women or those who only generate girls⁸. A Moroccan author wrote:

Lalla Kenza our neighbour was sterile. To help her become pregnant, Mi had given her my freshly cut foreskin to swallow. One year later, she had her first baby [...]. To swallow the foreskin would mean she would appropriate the symbol of fertility and at the same time the symbol of childhood⁹.

¹ Ibid., p. 82-89.

² The Book of the dead, plate VIII, chap. XVII, par. 60, p. 35-36.

³ Matteoli, Richard L.: Stripping the Goddess, p. 36-39 and 175.

⁴ Philo: The special laws, Book I.I. See also Philo: Questions and answers on Genesis, Book III, 47.

⁵ Soubhy, p. 127-129. See the text of Soubhy in part 3, chapter 6, section 3.1.C.

⁶ Rachewiltz, p. 200.

⁷ Hidioglou, p. 77-78.

⁸ Ibid., p. 83.

⁹ Serhane, p. 149.

Maurice Bloch reported that in the Merina tribe of Madagascar, a gourd is used in the circumcision ceremony. It is thrown by one of the elders. As soon as this was done everybody, men and women alike, will rush after it, grabbing at it and each other, fighting over it in the hope of escaping from the ensuing melee with at least a little piece of it. Both men and women carefully put these pieces under their beds in order to increase the chances of conception¹.

B) Female circumcision and fertility

There are several beliefs that connect female circumcision to fertility. It is believed that girls who marry immediately after circumcision always become pregnant within a short time after marriage. It is also believed that if a female is not circumcised, the secretions produced by the glands of her genitalia kill the spermatozoa deposited in the vagina by the penis².

The Mossi of the Upper Volta believe that contact of the clitoris with the child's head can cause death to the child. Where infant mortality rates are high, this belief is a powerful incentive to practice circumcision³.

Egyptians throw the parts they cut in the Nile to prevent female barrenness. Some assume the clitoris and labia close the vagina and amputating them facilitates childbirth⁴.

It must be noted that tribes who stretch the female's labia also believe this process encourages fertility and facilitates her fertilization⁵.

The woman's submissiveness to her circumcision or the stretching of genitalia in view of her fertility doesn't defer from what happened in the Roman festivities of fertility called *Lupercalia* that took place on February 15 of every year. In these festivities, the young men ran in the streets with a whip made from the skin of one of their victims. They hit women whom they met with it. These women used to expose their genitals to receive strokes believing it would help them to become pregnant. One notices in this respect that the male Egyptian divinities carried whips. Whips were symbols that evoked an old belief according to which sexual relations are a religious act imposed on women performed before the divinities through the whip. A vestige of this belief is the presence in certain tribes of a woman carrying a whip close to the initiate girl during the circumcision ceremony⁶.

C) Female circumcision and birth control

We saw that female circumcision under its different forms has been used as a means to control sexuality before and after marriage. And this constitutes in itself a way of birth control.

Some speculate that female circumcision, especially the Pharaonic form, has been introduced in regions having food difficulties.

Dr. Jousseau reported a discussion he had with an inhabitant of Djibouti at the end of the 19th century. This man explained that girls "are very precocious in this country and that, if one didn't sew them shut to keep them from becoming pregnant, one would see the number of inhabitants increasing too quickly". He added that the country "is arid, so arid that it can hardly feed all its inhabitants whose number, although very small, is still too large. If one let girls go without hindrance, it would be something else. They become women very

¹ Bloch, p. 80, 139.

² Koso-Thomas: The circumcision, p. 9.

³ Giorgis, p. 21.

⁴ Abd-al-Salam; Hilmi, p. 65-66.

⁵ Ombolo, p. 102.

⁶ Rachewiltz, p. 24-25.

young, would make a child every year and one would see running very quickly in the plain, more young boys and girls than goats and sheep"¹. Lightfoot-Klein related:

In the many areas that are so water poor that they can in no way support even the minutest population increase (as for example in Darfur, the north-western desert area of Sudan), it is not difficult to envision infibulation practices arising from a driving need for population control, which developed in conjunction with drought and desertisation of formerly fertile areas².

Among the Yoruba, excision is a form of contraception. The Yoruba believe that sperm can find its way into a nursing mother's milk and thereby adversely affect the child. They maintain excision makes it much easier for a woman to abstain from sex and thus avoid the possibility of having her milk contaminated³.

Female circumcision plays the role of birth limitation even though this is not its goal. Thus, Dr. Al-Fanjari estimates that 70% of the cases of barrenness in Egypt are caused by infections resulting from the woman's circumcision⁴. Cook quotes sources according to which between 20% and 25% of all cases of infertility in Sudan can be attributed to the Pharaonic circumcision⁵. It is necessary to add here that this practice provokes cases of death among the circumcised girls because of complications, as well as among the mothers and their newborns, by reason of the narrowness of the vagina and complications at the time of childbirth⁶.

Chapter 6.

Circumcision in tribal and communal systems

With this chapter we pass to a more extended circle than the one of sex and marriage, i.e. the tribal and/or the religious community. Circumcision plays in this circle the role of a distinctive sign, as we saw before in relation to the Jews and Muslims. It is also a sign of alliance and solidarity, an exam of passage as an initiation ritual, and finally an outlet of social violence under the pretext of protecting society.

1) Circumcision: sign of covenant and solidarity

Jews call circumcision *brit milah*, the covenant of the cut. The Bible speaks of a covenant between God and the Jewish people. (Gn 17:4). It also indicates that the one who doesn't carry this sign will be separated from his relationship (Gn 17:14). It is therefore a sign of solidarity between members of the religious group. This is the meaning Maimonides gives to this practice in the paragraph we quoted in the Jewish religious debate⁷.

Today's Jews, even those who don't believe in the revealed character described of the Bible, perpetuate circumcision as a sign of community that unites them. Nathalie Zadjé writes that some Jews discern this ritual as "barbarism of an extreme violence". Despite its barbaric aspect, "it is... a time where liberties of action and thought are abolished, a time that constrains all present beings to refer to themselves consciously or unconsciously to their

¹ Jousseume, tome II, p. 33-34.

² Lightfoot-Klein: Prisoners, p. 28.

³ Giorgis, p. 21.

⁴ Al-Fanjari, p. 17-18.

⁵ Cook, p. 62.

⁶ Hicks, p. 107-121.

⁷ Maimonides: The Guide for the perplexed, section III, chapter 49. See part 2, chapter 1, section 2.3.

origin, to their ascendants, in brief that it restores them, despite themselves, in affiliation and within a shared history"¹.

This Jewish concept of circumcision-solidarity is found also in many African tribes, notably among people who undergo circumcision at the same time. Jomo Kenyatta states:

Men circumcised at the same time stand in the very closest relationship to each other. When a man of the same age-group injures another it is a serious magico-religious offence. They are like blood brothers; they must not do any wrong to each other. It ranks with an injury done to a member of one's own family².

Speaking of male and female circumcision, Kenyatta says that "the moral code of the tribe is bound up with this custom and that it symbolizes the unification of the whole tribal organization". Its abolition "will destroy the tribal symbol which identifies the age-groups and prevent the Kikuyu from perpetuating that spirit of collectivism and national solidarity which they have been able to maintain from time immemorial"³. He adds:

Clitoridectomy, like Jewish circumcision, is a mere bodily mutilation which, however, is regarded as the *conditio sine qua non* of the whole teaching of tribal law, religion, and morality. The initiation of both sexes is the most important custom among the Kikuyu. It is looked upon as a deciding factor in giving a boy or girl the status of manhood or womanhood in the Kikuyu community⁴.

Touré expresses the same idea. He wrote:

The fact of having been circumcised together creates fraternal ties that are socially important. This fraternity of the hut is stronger than brotherly love and more oppressive than paternal love. It submits the man worthy of this affiliation to rules, liabilities, and laws that he cannot transgress without falling in the eyes of all⁵.

Thiam notes that, for some, a female circumcision ritual is a covenant of blood, known by the Arabs and Europeans, and that some of these acts consisted of mixing the blood of interested parties and drinking it. This practice had the effect of strengthening friendship, giving solidarity to the participants, and moulding them thus in sisterhood⁶. The clitoridectomy would therefore bind the excised women. This argument, according to Thiam, appears "very weak":

Is it necessary to impose it on women? Cannot they be bound by other factors than the clitoridectomy? The excision can be abolished in these Negro-African societies without tribal dissolution. This is not necessarily a factor of cohesion as espoused by some Negroes [...]. This reason is only a reaction to colonialism... a reaction of auto-defence⁷.

Maurice Bloch indicates that the ritual of male circumcision for the Merina in Madagascar has a role of social cohesion. It represents a ritual of blessing that transmits ancestor strength to children. In this very complex ritual that is full of symbols, members of the tribe meet, prepare their clothing, cook, and eat together to indicate their unity. The circumcision takes place in the northeast corner of the house, which is considered the ancestor's corner, and is the holiest part of the house analogous to the tomb. All rituals occurring inside the house are directed toward this corner, and where an important set of plants is placed. These plants symbolize strength and unity. One of these plants is the gourd called *Arivo lahy*,

¹ Zajde, p. 61.

² Kenyatta, p. 115.

³ Ibid., p. 134.

⁴ Ibid., p. 133.

⁵ Touré, p. 22-23.

⁶ Thiam, p. 107-108.

⁷ Ibid., p. 108-109.

which means 'the thousand men'. This name indirectly refers to a famous proverb that says: *A thousand men do not die in one day*, which is taken to mean roughly: *unity is strength*. Unity here indicates unity through group continuity which includes the ancestors. Before the circumcision a man and a woman say a prayer to God and to the ancestors asking them to be present and give their blessings to all the assembly. After the operation, an old man swallows the foreskin between two slices of a banana¹.

At the end of the 18th century, the king of Madagascar promulgated laws that imposed circumcision to all children every seven years, in a determined period. He himself participated in the ceremony and received a tax for every circumcision. According to these laws, all male children must be circumcised without exception. Otherwise the wife and children of the father of the boy would be sold into slavery and the same punishment applied to the wife and children of those who carried out the circumcision at other than the appointed time. These laws changed circumcision from being a link between the tribe's members to a link between the citizens and the central authority. Circumcision was a condition to be accepted into the military or civil service. By nationalizing circumcision, the king created for himself legitimacy in the people's eyes². In order to break the link between the king and the people, French colonialism abolished the national ceremonies of circumcision. But these ceremonies continued nearly everywhere, though on a very small scale, and were partly hidden because of the disapproval of the church and the urban intelligentsia³.

2) Circumcision as an initiation ritual

Men and women in modern society pass through different stages of life that drive them from school to the university, or to professional training. If they adhere to an organized profession, as the bar or medicine, they must pass by practicum. In all these stages, they pass by exams. One finds some similar stages in tribal societies. In one of these stages, is located a ritual of initiation which includes, among others, male and female circumcision.

Age requirement for circumcision varies from one tribe to another. The present tendency is toward lowering this age in tribes that undergo invasion of modern life with its educational obligations.

Tribal fetish fixes the date of the ritual. The ceremony takes place every two or four years, or when there are a sufficient number of initiates, or when the season is good. It is accompanied by sacrifices offered to divinities and spirits, and the meat of animals immolated is distributed to those present including the initiated.

The initiation participants are isolated from the tribe during a period varying from one week and some months. Boys learn the customs and the meaning of the masks that the tribe uses during its religious ceremonies. They shave the heads as a sign of purification similar to the Jewish custom (Nb 6:18; Acts 21:24) and the Muslim custom (Koran 2:196; 48:27). They are then submitted to different collective physical tests. So they must endure fire, ant stings, flogging, and consuming urine and excrements. In certain tribes, one elder strokes the boys with a phallic shaped wooden picket. Some place the pickets in the camps, probably inspired by the ancient Hebrew *ashera*⁴.

On the day of the operation, after having washed his penis in stream water according to the ritual's ablutions, the young Nandi must confess his eventual sexual relations with only excised women. The goal is to free him of all guilt vis-à-vis the community. After the con-

¹ Bloch, p. 50-51, 52, 54, 55, 59, 61, 65, 79.

² Ibid., p. 114, 117, 118.

³ Ibid., p. 149-151.

⁴ See on the *ashera* Jg 3:7; I K 15:13; 2 K 21:7, 23:4,7; II Ch 14:2, 15:16, 17:6, 19:3; Is 27:9.

fession, an aged man smears shaved hairs of the candidates in a mixture of milk and kaolin in order to remove bad spirits.

The operation defers from a group to the other. The Namshis place the candidates by order of age. Each endures the operation, turned toward the Orient. The circumciser's helper keeps his hands crossed on the chest and ankle. The circumciser begins to perform numerous longitudinal slashes in the skin of the penis with a knife that he holds in his right hand in order to strip the phallus entirely. When a boy is afraid and tries to run away, he is caught, attached, firmly disciplined and operated.

After the initiation is accomplished, reinstatement in the village's social life is characterized everywhere with extreme sexual liberty. Some tribes organize symbolic masked representations. Dancers carry enormous artificial phalluses. One encourages boys to give free course to their sexual instincts. As for women, they consider the union with a newly circumcised male as nearly sacred¹.

Female circumcision also takes place in the setting of an initiation ritual. For the Nandi, girls carry during the containment a typically shaped male ornament that includes an iron bell that hunters use to frighten lions. For the Kikuyus, every girl has a godmother who has to verify her virginity and that the operation is made at least 20 days before menses. It is to her godmother that the girl must confess her sins in the event that she would have violated a taboo. The godmother then calls in a purifier known by the family. During the preparatory phase, feasts with songs, dances and libations of beer are celebrated. Then the girls receive their parents blessing.

The Nandi perform the clitoridectomy by cauterization, with a burning brand taken from the fire lit during the vigil with the wood of their holy tree. Other groups use a knife. In Oubangui, the ceremony starts in morning with a ritual bath. Every time a girl is circumcised, the aged women shout their joy, the mother and the insider's sisters approach her, howling and pushing her to perform erotic dances that mimic coitus.

The operation is followed by a period of convalescence. For the Venda, after the operation, feasts take place, in which the girls dance and enjoy sex with boys. But in most cases, this period is used to teach the girls everything concerning their future role as wives and mothers².

Western feminists refuse to speak of this in the terms of a female initiation ritual. For Benoîte Groult, it is rather about the tortures inflicted to small girls who cannot escape or protest. She blames journalists and ethnologists because they "have never disapproved this practice which violates a human being not only in her integrity, in her biologic nature, but also, contrary to the circumcision of boys, endangers seriously her health and has irreversible consequences for her blossoming"³.

We will come back on this selfish, single sighted, Western feminist attitude that distinguishes between male and female circumcision. But what interests us here is to indicate that rituals of African tribal initiation have a religious meaning that is no less elaborate than the ritual of the Jewish or Muslim circumcision. If these two groups believe circumcision is important in their religious belief, the African tribes can also claim this.

3) Circumcision as an outlet of violence

Psychologists see that self-mutilation serves to avert suicide and to provide temporary relief from a host of painful symptoms as anxiety, depersonalization, and desperation. But

¹ Rachewiltz, p. 183-211; Ombolo, p. 70-78.

² Rachewiltz, p. 211-222; Ombolo, p. 61-66; Touré, p. 21-22.

³ Groult, preface of the book of Thiam, p. III.

the price can be costly, such as the loss of an eye or unsightly scars¹. Favazza applies this reasoning to collective mutilations whose goal would be the general interest of the group and the initiate's salvation in this life and after death. One finds this concept in Isaiah concerning the suffering servant:

A man of suffering and acquainted with infirmity [...], he has borne our infirmities and carried our diseases [...], he was wounded for our transgressions, crushed for our iniquities; upon him was the punishment that made us whole, and by his bruises we are healed (Is 53:3-5).

To justify Jesus' death, Caiaphas advised the Jews that: "it was better to have one person die for the people" (Jn 18:14). Peter says: "Christ also suffered for you [...]. He himself bore our sins in his body on the cross, so that, free from sins, we might live for righteousness; by his wounds you have been healed" (1 P 2:21, 24).

Through centuries, ascetics and saints suffered assuming that their pain will be beneficial for them and for others. The same can be said about the castrated of Russia that we studied in the Christian religious debate².

Mutilating others is an outlet to violence. This violence can be expressed individually or collectively through aggressiveness, sexual relations, masturbation or mutilation³. To avoid destructive violence, a society pours this violence on victims. Sacrificial victims have been primarily such persons as prisoners of war, slaves, small children, and the handicapped, persons who are not fully integrated into communal life and who do not share close social bonds with a broad cross section of citizens⁴.

Mutilation plays a social role that protects society from chaos. So in Sudan, infibulation aims to protect the woman's chastity and to prevent extramarital sexual relations. In China, the girls' feet were bound to control them⁵. Ombolo warns of the danger of ritual's disappearance from a society:

There is no doubt ... that the disappearance of all these African ritual models put Africans in disarray, for the reason that the moral and social security that they procured from them once is not assured at all by the new models, that it is the Christian religion, the technical and scientific knowledge or the new forms of sociability and regrouping. This is why phenomena as syncretistic cults are born and expand everywhere in Black Africa; this is why witchcraft and sorcery are also flourishing in the Negro-African societies and becoming national curses⁶.

This means that male and female circumcision, despite the negative sides that one can reproach them for, have a positive social role also. The society would not have adopted them if it didn't see its interest there. In order to abolish them without carrying prejudice to the society, it would be necessary to know their social role and to be careful to protect it. We already saw that those Jews opposed to male circumcision suppressed the operation of amputation, but maintained the social aspect of the circumcision ritual⁷.

Such a phenomenon finds itself again in some African communities. The Newsletter of the Inter-African committee, December 1998, reports an initiation ceremony without mutilation, which took place in a Tanzanian village, concerning 13 girls aged 10 to 13. The cere-

¹ Favazza, p. XI and XIX, 22.

² See part 2, chapter 2, section 4.2.

³ Favazza, p. 81.

⁴ Ibid., p. 30.

⁵ Ibid., p. 230-231.

⁶ Ombolo, p. 173. See also Sylla, p. 327-328.

⁷ See part 2, chapter 1, section 4, sub-section 2.1.

mony was preceded by two weeks of instruction during which the girls were taught housewifery, domestic chores, hygiene, sex, pregnancy, etc. The ceremony took place in the presence of 800 men, women and children. The girls dressed beautifully and were seated on the ground while a bowl of millet in three different colours was rotated around their heads in turn representing the three cycles of a woman's life. They were then asked to open their hands to show their readiness to receive instructions, including sex education that stressed the importance of avoiding extramarital sex. The drumming, singing and dancing continued while the girls moved in unison in a sitting position. After the ceremony, food and drinks were served in abundance and the whole village participated in a festive mood¹.

4) From tribe's to physicians' and an army's domination

Modern societies have lost the clan spirit that reigns in tribes. But physicians who impose their domination, notably in military hospitals, have recovered this spirit. This is observed from circumcision's evolution in a country as the United States.

In America, the rise of the rate of male and female circumcision coincided with the increase of the number of physicians and displacement of births from the house to the hospital. In the beginning of the 20th century, less than 5% of the children were born in hospitals. In the 1920's, this rate went up to 30%, or even 50% in the big cities. In 1930's, it oscillated between 60% and 70%. In the same period, the rate of circumcision increased to 50%. If the child was born at home, parents had to follow an additional procedure to circumcise him, which gave them time to think. But if the child was born in a hospital, everything was ready to circumcise him by a physician who reigned as master. Besides, the child was not the only victim of the physician, but also his mother. In fact, there has also been an increase of Caesarean sections and perineotomy operations. Add also the phenomenon of artificial nursing.

With hospital births, instead of being performed at different ages, circumcision became a neonatal operation, practiced immediately in the birthing room, and thereafter transferred to a separated room so that the child doesn't feel the cold. This transfer facilitated assembly-line circumcision, far from parental eyes. With development of insurance, physicians felt even freer to circumcise, being sure that they will receive their honoraria. On the other hand, parents had less reason to object since they themselves didn't pay the expenses anymore.

Research indicates that circumcision especially expanded in the high and middle classes. They were most likely the parents of those born in hospitals who surrendered the responsibility of care. And when one began to question the system of hospital births and artificial nursing, the rate of circumcision decreased².

Physicians didn't only exercise their influence only through hospitals, but also through popular medical books that play an important role in an extended country with isolated families as the United States. New parents had little experience with children and turned to *experts* who wrote books about childcare. As a result, individual writers could have a tremendous influence transmitting their fetishes into the contemporary cultural climate. For example, Dr. Spock advocated circumcision in 1946. To his credit, in 1976 he reversed his position but by that time millions of parents had followed his earlier advice³.

Physicians also exercised their influence through specialized periodicals that opponents to male circumcision consider biased with improper scientific evidence based on hysteria and

¹ Newsletter of the Inter-African committee, no 24, dec. 1998, p. 8-9.

² Sorrells, p. 332-333; Romberg: circumcision, p. 100-104, 114-116.

³ Goldman: Circumcision the hidden trauma, p. 60.

falsely deduced assumptions that are based on flawed statistics¹. Dr. Fleiss accuses these periodicals of neglecting scientific norms, for publishing articles written by authors with a pro-circumcision bias, and for having selected peer reviewers supportive of circumcision. He compares the pro-circumcision American authors to the Nazi authors who tried to prove the inferiority of the Jewish race. For him, "The American circumcisionist *scientific data* alleging the inferiority of the natural design of the human penis, is of dubious scientific merit, if for no other reason, because it serves a contemporary socio-political and economic agenda"².

In this respect it may be presumed that American military physicians contributed extensively to the infusion of male circumcision in the United States. They thought it protected the health of soldiers and kept them fit for combat³. This was partly based from pre-World War II Australian tests on volunteers subjected to mustard gas studies where some obtained blisters on their glans and inside the prepuce. This is still taught in some Chemical, Nuclear, and Biological Casualty Care courses. Soldiers were subjected to unannounced inspections of their penises, called short arm inspections. Those with intact penises were declared phimotic and circumcised, sometimes under threat of court martial⁴. Even men who escaped the knife were, by and large, indoctrinated to believe that circumcision was healthy and willingly agreed to it for their newborn sons. During the cold war, circumcision hysteria dominated U.S. society. One of the rationales offered in medical journals and popular literature at this time was that circumcision was a necessary part of readiness for war and military service⁵.

Again, today, some American families think circumcision is a condition to enter the military while there is no law to enforce it. Romberg gives the testimony of many soldiers who were circumcised by force at the time of their admission in the military. A physician explains this behaviour because the military wanted to offer training possibilities to new surgeons in military hospitals. Many circumcisions are now performed by hospital corpsmen and also used as a training method in wound care and suturing for these non-physicians. Others state that circumcision is aimed to accustom the soldier to violence. When mutilated he becomes more aggressive and more minded to wound and kill others without feeling their pain⁶.

According to Internet information, 15% of the Italians that rejoin the army undergo free circumcision by their military physicians. And when a soldier accepts to be circumcised, others follow him by peer pressure⁷.

Circumcision is almost obligatory in the Turkish army. A young Armenian from Turkey obtained political asylum in Germany because he feared being forced into this operation. We will come back to this case in the legal debate⁸.

As the army is a factor in upholding United States male circumcision, it was a brake to female circumcision in Eritrea. Lightfoot-Klein reports that in their war for independence all the young girls chose to join the Eritrean People's Liberation Front that opposed female circumcision. This removed them from their villages and family for some time. When they

¹ See the three interventions in chapter 8 of the book Denniston; Hodges; Milos: Male and female circumcision, p. 357-409.

² Fleiss: An analysis, p. 397-398.

³ Burrington.

⁴ Hodges: A short history, p. 27.

⁵ Sorrells, p. 333.

⁶ Romberg: Circumcision, p. 179-184.

⁷ www.circlist.org/critesitaly.html.

⁸ See part 5, chapter 8.5.

returned, they all refused to be circumcised. Within 5 years, the practice was totally eradicated in that area¹. But after independence, the age for circumcision was lowered to facilitate domination over girls. Today, the rate of female circumcision is estimated to be 90%.

Chapter 7.

Circumcision and the instinct of domination

Several tentative explanations have been made to understand the meaning of circumcision. All centred on the instinct of domination rooted in human depths. Freud developed his concepts of the Oedipus complex and castration anxiety, and Bettelheim created the concept of the envy between the two sexes. Some speculate that circumcision aims to affirm the domination of one sex over another. Others see here associated trickery and simulation. Others finally prefer to consider it an act of sadism. These are what we will see in the following points.

1) Oedipus complex and castration anxiety

King Oedipus, the famous tragedy of Sophocles (d. 406 B.C.) inspired Freud (d. 1939) in his interpretation of male circumcision. He saw in this practice an expression of the Oedipus complex, to which he then connected castration anxiety.

In Sophocles' tragedy, Oedipus kills his father the king and weds the king's wife who was his own mother without knowing that they were his parents. One reads of this in the following sentence:

I say that thou, in vilest intercourse with those thou lovest best, dost blindly live, nor seest the evil thou hast made thine own².

According to Freud and his disciples, the complex of Oedipus represents a sexual and aggressive instinct of the child toward his parents. The child unconsciously leans, as Oedipus, to kill his father of the same sex as he is and to then take possession of his mother who is the inverse sex. This complex predominates in the child between the age of 3 to 5 during which the child becomes attached jealously to his mother and hates his father competitor. In this age, he develops a particular interest for his penis that he continually touches himself in a research of pleasure, without hindrance, in front of his mother, as if he wanted to seduce her. But he is obliged to restrain himself because of his perceived father's threats to cut off his penis. This fear of having his penis amputated is reinforced in his imagination because his mother doesn't have a penis. He then develops a feeling of anxiety. He is afraid to be castrated by his father whom he hates, and of whom he wishes death. This fear drives the child to abandon his oppressive relation with his mother and, progressively, accept the authority of the father and the prohibitions that he imposes on him, saving his penis from amputation in the process.

Freud observed that in primeval times primitive men lived in small hordes, each under the domination of a powerful male. The strong male was lord and father of the entire horde and unrestricted in his power, which he exercised with violence. All the females were his property. The lot of his sons was a hard one: if they roused their father's jealousy they were killed, castrated, or driven out. The expelled brothers united to overpower their father and devoured him. But after the patricide the brothers disputed with one another for their fa-

¹ Lightfoot-Klein: Prisoners, p. 50.

² Sophocles: Oedipus Rex, transl. Plumptre,
<http://www.bb.com/looptestlive.cfm?BOOKID=675&StartRow=98>

ther's heritage, which each of them wanting it for himself. A realization of the dangers and uselessness of these struggles led at last to an agreement among them, a sort of social contract. The first form of a social organization came about with a renunciation of instinct, a recognition of mutual obligations, the introduction of definite institutions, pronounced inviolable – that is to say, the beginning of morality and justice¹.

The fear of castration, according to Freud, would be inherited far in the past. And if today the son doesn't kill the father to take his mother, it is well that having killed him already a first time, he would remember it and attempt to purchase his mistake in atonement while submitting retrospectively to the initial will of the primordial father. Thus, for Freud: "circumcision is the symbolic substitute for the castration which the primal father once inflicted upon his sons in the plenitude of his absolute power, and whoever accepted that symbol was showing by it that he was prepared to submit to the father's will, even if it imposed the most painful sacrifice on him"². The child, whom one circumcises today, would be expiating for the mistake that his patricide brothers committed previously on the person of the sovereign father³.

Freud hypothesized that Moses was an Egyptian of the family of king Akhenaton that had developed a monotheistic religion. After the king's death toward the year 1354 B.C., his successor rebelled against him and rejected his religion. Moses led the Israelites out of Egypt and to the borders of Palestine and imposed on them circumcision and his master's religion⁴.

We find an echo of the Freudian theories of the Oedipus complex and castration anxiety in many Arab authors. Noureddine Toulbi, an Algerian psychologist, compared these theories to what happens in traditional Algerian regions. The child is held to a chair by several men and circumcised without anaesthesia. Immediately following the boy's circumcision men fire hunting rifles that another group of men had prepared. All happens then as if the father's vengeance had just been finally accomplished, as if the son's punishment had been executed. From then on, all in association with the father show deep satisfaction, and the sharp *youyou* of surrounding women seem to attest his glory. The joy and pride that the father feels means that his posterity becomes possible and that his name is going to be perpetuated by his son with which he has just reconciled while conceding to the son a part of his virility and strength⁵. Serhane, a Moroccan psychologist, wrote concerning circumcision:

To accept this symbol and to undergo it means to accept the submissiveness to the will of the cruel and jealous father. Even to the price of a painful sacrifice. Castration and circumcision attempt to explain the anguish relative to sex as well as the fear of the boy and his submissiveness to the father. It is this fear that joins circumcision to the complex of Oedipus, one of the main constructions of the psychoanalytical theory [...]. As a barbarian process, traumatic in facts and gestures, circumcision can be interpreted as a punishment that adults inflict on the child to reinforce the authority of the parent's ego (*surmoi*)⁶.

Putting aside Freud's theory, one can note that male circumcision could be a means to separate the son from his mother. One possible factor for the diffusion of circumcision is the

¹ Freud: Moses and monotheism, 81-82.

² Ibid., p. 122.

³ See concerning the theory of Freud: Toulbi, p. 53-73; Bettelheim, p. 37-58; Green, p. 215.

⁴ Freud: Moses and monotheism, p. 24-30.

⁵ Toulbi, p. 64-65.

⁶ Serhane, p. 142-143.

sexual deprivation that the husband imposes on himself after the child's birth. This deprivation is 40 days for Muslims. Some deprive themselves during their customary two years of breast-feeding. This deprivation separates the husband from his wife and allows attachment of the mother to her son. The father then proceeds to his son's circumcision to separate him from the mother and to impose his authority over him and the mother¹.

Dr. Nawal Al-Saadawi considers circumcision a product of slavery as a sign of allegiance and submissiveness. She writes:

In ancient Egypt circumcision was not known. It was introduced there with the birth of slavery and the division of people into masters and slaves. The masters required the circumcision. This was performed on the order of the god Pharaoh. The god Pharaoh got angry when he saw slaves uncircumcised. Circumcision became a slave custom. They made offerings to divinities. These offerings were animals immolated to divinities. But if you were a poor slave not possessing a sheep, you had to offer vegetables produced by the earth [...]. For slaves who only had their body, they had to amputate a part of it to the god Pharaoh as an allegiance and submissiveness offering².

Contrary to the previous theory, Price, an English jurist, claims that male circumcision has been imposed by women who want "to control her son through the functioning of his genitals, and, from that, one might deduce an urge to control men as a whole as well. It is usually the mother who makes the final decision to circumcise"³. Serhane seems to confirm this idea. He writes:

Circumcision is considered as a castration inflicted by the man (father, barber...) but experimented in relation with the mother, or with women who organize and direct the ceremony. It is as a female plot against male virility. [...]. Circumcision is only a variant of the dialectic violence/love that exists between the mutilated man who rapes and the raped woman who mutilates⁴.

One means used to insure domination over others is the Plot of Silence. Terrorists base themselves on silence to achieve objectives. In the same way, the person who rapes a woman bandages her mouth and threatens her so that she won't reveal him. Men who have undergone circumcision and suffer from it have difficulty speaking about it, refuse to enter into a discussion concerning it, and perform it on their children. These children then adopt the same attitude with their own children⁵. Many women participate in this Plot of Silence. Most women in the feminist movement that fight female circumcision refuse to take a position against male circumcision. On the Internet, a group of women are dedicated to the discussion of female circumcision. When one opens the debate on male circumcision, a strong opposition is demonstrated. I tempted repeatedly to help them understand that the struggle against the two practices is in the interest of women, but a lot of women preferred to leave this group as a protest against my intervention.

2) Circumcision as a sign of envy between the two sexes

Contrary to Freud, Bettelheim (d. 1990) saw in circumcision a gesture of envy between men and women. This theory calls to mind the myth brought back by Aristophanes (d. ca 380 B.C.) in Plato's Symposium (d. 348 B.C.). According to this myth, original humans were androgynous, in form as well as in name shared in by both the male and the female. The shape of each human being was entirely round, with back and sides making a circle,

¹ Hicks, p. 106.

² Al-Saadawi: *Haqa'iq al-tib al-jadid*.

³ Price: *Male non-therapeutic circumcision*, p. 447.

⁴ Serhane, p. 144.

⁵ Goldman: *Circumcision the hidden trauma*, p. 61-63. See concerning the plot of silence Niswander, p. 5.

and it had four arms, and equal number of legs, and two completely similar faces on a circular neck; a single head for both faces, which looked out in opposite directions, four ears, and two sets of genitals. They were terrifying in their shared strength and power, and their ambitions were on a large scale. They attempted to make an ascent to heaven, in order to attack the gods. So, Zeus and the other gods deliberated about what they should do to them. After thinking long and hard, Zeus decided to divide each one of them into two to make them weaker. Since that time, each half longed for the other half that originally belonged to it and tried to engage with it for fulfilment¹.

Bettelheim developed his theory from his observations of mentally ill boys that declared that they felt it was a cheat and a gyp that they did not have a vagina. They made remarks such as: "She thinks she's something special because she has a vagina", or "Why can't I have a vagina?" More persistent than the desire for female organs, however, was the obsessional wish to possess both male and female genitalia. They said: "Why can't I have both?" Disappointed in this desire, and envious of women because women, they felt, had the superior sex organs, boys frequently expressed a wish to tear or cut out the vaginas of girls and women².

Bettelheim signalled that the same envy is found in disturbed girls. These girls expressed the desire to have a penis. A schizophrenic girl pulled several times a day at the skin of the *mons veneris* and at the anterior tissues of the vulva, trying to elongate it, showing it off to others and saying: "Look at my penis". Other girls in her school believed that during each menstrual period a penis was growing in them and were deeply disappointed every month when it turned out to be false. Some girls openly attacked male genitals to destroy them³.

Passing from some mental patients in connection to primitive people, Bettelheim noted that envy of the other sex is the reason behind male and female circumcision. By reporting several legends he affirmed that male circumcision has been invented by women in their desire to see men bleeding as they bleed at the time of their menstrual period⁴. Referring to the ritual of subincision performed by Australian aboriginals, he indicated the desire of women to impose circumcision to men is doubled by the desire of men to possess a similar genital organ to the one of women. The incision performed by these aboriginals on boys is called 'vagina', and the blood that flows is called 'menses'⁵. Bettelheim also noted that some women wear male clothing to express their desire to be the other sex. This desire is clearly expressed by the practice of genital stretching in some tribes that women perform freely⁶.

According to Bettelheim, male and female circumcisions are not imposed by elders, but sought-after by individuals themselves in order to be able to look like the other sex. By these various rituals including circumcision, the society tries either to help or to force the young to deal with their desires⁷.

Summarizing his thought, Bettelheim writes that male and female circumcision "suggest ... that the human being's envy of the other sex leads to the desire to acquire similar organs, and to gain power and control over the genitals of the other sex"⁸.

¹ Plato: Symposium, 189 d - 193 d (p. 50-53).

² Bettelheim, p. 30-32.

³ Ibid., p. 29-30.

⁴ Ibid., p. 96-100.

⁵ Ibid., p. 100-106.

⁶ Ibid., p. 138-145.

⁷ Ibid., p. 148.

⁸ Ibid., p. 146.

3) Female circumcision as a means of domination between the sexes

Presenting a symposium on the incidence of female circumcision in Somalia, Pier Luigi Fazzi, coordinator of a joined program from the WHO-UNICEF, said:

In numerous traditional societies, especially in Africa, some well-intentioned mothers perpetuate since time immemorial the practice of circumcision on their girls when they are small. Often, such a custom is considered, erroneously, as a religious precept. Its persistence through centuries made it a necessary measure for a young woman to be able to aspire for a marriage and assure marital life. Therefore, as a form of identification with the norm of their society, the girls themselves ask for their circumcision.

Fazzi finishes his intervention wishing for the abolition of "this old form of humiliation and servitude of the woman"¹.

This quote demonstrates the existence of two opposite points of view. Those who practice female circumcision consider it an act of love based on religion, guaranteeing the realization of a matrimonial hope, asked by girls themselves as a sign of identification to their society. On the other hand, those who refuse female circumcision, consider it an old form of humiliation and servitude of women.

Dr. Nawal Al-Saadawi considers that female circumcision is the product of a masculine chauvinist system that established polygamy and slavery. Unable to satisfy all women, men have circumcised them to limit their concupiscence and to prevent mixture between legitimate and illegitimate children². Dr. Al-Fanjari assigns this practice to feudal times. The feudal lord possessed thousands of animals and slaves - both men and women. He treated them equally as his private property. He castrated animals so females wouldn't become pregnant and continue to give him milk, and he castrated male slaves so that they wouldn't approach his women. He put a core or a stone in the vagina of the female animals so that they wouldn't become pregnant at an unwanted time. As for the female slaves, he circumcised them to kill their sexual desire because he could not satisfy all of them³.

A survey made in Egypt of 500 male and female physicians, published in 1998, demonstrated that 60.8% of those who agree with women working outside the home, are opposed to female circumcision. Only 11.6% of those who are opposed to women working are against female circumcision. 60.6% of those in favour of introducing sex education in school are against female circumcision, whereas only 29.4% of those who are opposed to the introduction of such education are against female circumcision. This demonstrates that the position relative to this practice depends on the position that a person has towards women and their rights in general⁴.

We also find this will to dominate women in the West with the use of the chastity belt and the practice of female circumcision. Some associate such events as the 1848 First Women's rights convention in the United States with male attitudes to female genital mutilation. At this time women were considered to be particularly prone to insanity that could be treated by genital excision⁵.

The Plot of Silence observed concerning male circumcision is also found with female circumcision. Women are educated not to express themselves in the sexual domain. For this reason, they deny the pains they undergo because of this practice. It has reached a point that those who practice female circumcision in Egypt think all Egyptian women are cir-

¹ Gallo: La circoncisione femminile in Somalia, p. 8, 9.

² Al-Saadawi: The hidden face of Eve, p. 40-41; Al-Saadawi: Al-mar'ah wal-sira al-nafsi, p. 73.

³ Al-Fanjari, p. 28-29; See also Rizq, p. 14.

⁴ Abd-al-Hadi; Abd-al-Salam, p. 76-78 and 83-85.

⁵ Sanderson, p. 59.

cumcised, and those who don't practice it, think that it is a disappearing custom¹. Circumcised women in traditional African societies are warned, under the penalty of death, not to reveal what they experienced. So, girls ask to be circumcised but are unaware of what waits for them².

We should not conclude however that women are only victims of men. We notice indeed that women who underwent circumcision are favourable to the maintenance of female circumcision. It is women who immobilize the victim and circumcise her. In a debate of March 5, 1998 on the violence against women within the Commission of human rights, one speaker asked whether women who mutilated girls were not violators of the rights of other women. He challenged the Commission to make women desist from violating young girls, stressing it was not men who committed these acts of violence. Mrs Guevara, a law professor and member of a Venezuelan commission, answered him that, "it was important to concentrate on men in addressing the problem of violence against women. Cultural traditions and hierarchical relationships influenced violence. It was, therefore, indispensable to bring men into the process because they still controlled power in societies"³.

Several explanations have been given to the behaviour of women regarding their sisters. Women benefit from female circumcision as regards to being esteemed as well as on the material level. Without circumcision, they could only find a husband with difficulty and could not integrate into their society. Being circumcised, women opt, according to Hicks, for the general interest instead of the individual interest⁴. Rizq gives a strange explanation. She thinks that women use female circumcision for vengeance against men. Some women know sexual frustration is a weapon in their power to humiliate husbands. So, these women turned the persecution that they undergo in their favour⁵.

Opponents advance also the argument according to which old women inflict on girls their pains by jealousy or to take vengeance. A Sudanese woman adds, as to excuse them: "grandmothers are not evil people. They are generally devout women who are persuaded that the Pharaonic is completely necessary to keep girls modest and chaste"⁶.

Bettelheim refuses to interpret the acts of parents in term of jealousy: "Parents who have loved their child and cared for him devotedly do not suddenly at the child's adolescence begin to act out wildly their minor negative feelings"⁷.

Seham Abd-al-Salam suggests that women act as delegates of patriarchal society. Women perceive that men request female circumcision, and this is an execution of masculine will. The few fathers who objected to their daughters' circumcision did not take active steps to prevent it. They only expressed verbal objections. Other senior male kin either expressed their happiness and approval with the event, teased the girls, or congratulated them, wishing marriage soon⁸.

One must recognize that the mother rarely attends her girl's circumcision in order to avoid the memory of her pains⁹. An Egyptian survey of a village that abandoned the practice of female circumcision demonstrated that when the husband is absent, working in an Arab

¹ Abd-al-Salam: *Al-tashwih*, p. 24-25.

² Sidibe, p. 70 and 71; Kilanowski, p. 166.

³ www.unhcr.ch/html/press/wom981040.htm: Women's Commission - 7 - Press release WOM/1040 8th Meeting (PM), 5.3.1998.

⁴ Hicks, p. 84-86.

⁵ Rizq, p. 26.

⁶ Lightfoot-Klein: *Prisoners*, p. 127-129.

⁷ Bettelheim, p. 145.

⁸ Abd-al-Salam: *Female sexuality*, p. 90.

⁹ Abd-al-Salam and Hilmi, p. 59.

country, the rate of girls uncircumcised in his family increases. This situation is explained by the fact that the woman, when she has the responsibility of the education of her girls, has the tendency to keep them uncircumcised. She takes confidence in herself and thinks she is able to guarantee the honour of her girls, even when they remain uncircumcised¹.

4) Circumcision: between love and sadism

Reports on human sexuality, from whatever the intention may be, can include a certain form of violence. A popular Arab proverb says: "To hit the beloved looks like the dry grape, to throw stones at him is like a dry fig". The famous Indian book *Kama Sutra* indicates that the man who carries the marks of nails and teeth on some of his body parts influences the mind of a woman, even though it be ever so firm. Nothing tends to increase love so much as the effects of marking with nails, and biting². It adds elsewhere: "When a man bites a woman forcibly, she should angrily do the same to him with double force"³.

But the *Kama Sutra* says that excess and harmful behaviour should always be avoided. It gives the case of a king who killed a courtesan, and another king who blinded a dancing girl⁴. Indeed, there exist limits that are sometimes difficult to draw, between acceptable and inadmissible behaviour. Psychologists identified this inadmissible behaviour to *sadism*, by reference to the Marquis of Sade (d. 1814), which consists of enjoying the pain of others. Sadism can be associated with masochism, by reference to Leopold Sacher-Masoch (d. 1895), which consists of enjoying one's own pain. One then speaks of sadomasochism. Sadism can sometimes take the form of vampirism that consists in sucking a victim's blood⁵. It may also be practiced by a group in jubilation and can become a collective orgy, some delighting themselves from others' pain. And when the victim is a child, one is facing paedophilia, so much decried nowadays. In such acts, the sadists deny that they want to make their victims suffer.

How does one qualify male and female circumcision? In this operation, the circumciser removes the child's dresses, seizes his genitalia and amputates them, without medical reason. For Jews, the traditional circumciser then puts the penis in his mouth and sucks the blood⁶. This happens often in a collective ambient feast. And, as we saw it in the medical part, one denies the child's pain⁷.

Should we look at male and female circumcision objectively through material facts as we see them by the naked eye? Or should we on the contrary close our eyes on these facts because this operation is performed by people considered by society as *honourable*, on demand of the child's parents, in achievement of a divine order, or under a so-called medical pretext? Opponents notice that circumcision provides a convenient and socially acceptable outlet for the perverted component of the circumciser's libido. The pitiful wails of the suffering infant are all too often the background for lewd and obscene commentary by the physician to his audience of nurses⁸. Price writes that it would seem wholly plausible that inflicting circumcision on a boy provides some circumcisers and onlookers with a sexual thrill. Groups such as *Glans society*, *Gilgal society* and *Cutting club* openly admit to a morbid fascination with circumcision to the point of being a sado-masochistic fetish. These groups advertise that doctors are among their members. There are those on the Inter-

¹ Abd-al-Hadi: La taraju, p. 9, 65 and 70-71.

² Vatsyayana, part 2, chap. 4, p. 55.

³ Ibid., part 2, chap. 5, p. 59.

⁴ Ibid., part 2, chap. 7, p. 67.

⁵ See on vampirism Favazza, p. 7-8; Erlich: La mutilation, p. 199-201.

⁶ See on this practice part 2, chapter 1, section 4, sub-section 1.3.B.

⁷ See part 3, chapter 3.1.

⁸ Romberg: Circumcision, p. 108.

net who discuss the erotic stimulation they experience by watching other males being circumcised, swap fiction about it, and trade videotapes of actual circumcisions. Furthermore, there are anecdotal accounts of doctors becoming sexually aroused when circumcising boys¹. Does the religious or pseudo-medical veil that one throws over circumcision change the nature of this operation? Is it about an act of love and piety or, on the contrary, a sadistic act? One must question whether this, as an act of violence, raises uncontrollable passions in the perpetrator and some passive participants. We will see in the legal debate that the American academy of paediatrics considers female circumcision child abuse, even when it is performed for religious or cultural reasons. Some Muslim jurists consider it a violation to modesty². A Jewish mother opposed to circumcision said: "I couldn't bear the thought that they wanted to harm my child. I felt they were like vampires thirsty for blood"³.

The most daring explanation to circumcision is the one given by American Lloyd DeMause in an article published in 1991. This author sees male and female circumcision as a form of incest. Incest, according to him, can have two forms:

- Direct incest: "overt sexual activity between family members other than spouses".
- Indirect incest: "the providing of children by their parents to others in order for them to be sexually molested".

This last behaviour of indirect incest, affirms DeMause, "is usually motivated by the incestuous wishes of the parent and [...] it is usually perceived by the child to be similar to direct incest". He adds: "Clinical studies show that contemporary sexual abuse usually involves a parent or guardian, who, if not the direct perpetrator, covertly brings about the incident in order to satisfy his own incestuous wishes"⁴. In other words, it is incest by delegation. One can delight in the sexual act as the actor or promoter. In this respect, men incapable of having sexual relations make prostitutes available to others and are satisfied with voyeurism.

After having exposed the different forms of incest, DeMause goes on to discuss male and female circumcision. Speaking of the clitoridectomy, he writes:

Clitoridectomy - like all genital mutilations of children - is, of course, an act of incest motivated by the perversions of the adults who perform the mutilation. Although we are not used to thinking of it in this way, in fact mothers who attack their daughters' genitals with knives are as incestuous as the fathers who rape them⁵.

DeMause points out that few realize some adults become sexually excited by the operation. In Siwa, the mother masturbates the child with the mutilation. In Morocco, prostitutes attend the mutilation ceremony regularly in order to relieve their generated sexual tension. In Australia, a collective rape follows the mutilation.

DeMause rejects all theories woven around male and female circumcision aiming to explain it as a ritual of passage, envy of other's genitalia, social cohesion, rupture of the tie between the child and mother, or to make the penis similar to a kangaroo's. For him, the only plausible explanation is adult perversion. He writes:

The mutilation of children's genitals is such an important need in humans that whole religions and state systems have been founded upon the practice. Yet when scholars at-

¹ Price: Male non-therapeutic circumcision, p. 428-429.

² See part 5, chapter 5.6.

³ Hecht: The cutting edge, p. 13.

⁴ DeMause, p. 125-126.

⁵ Ibid., p. 162-163.

tempt to explain why almost everyone since the beginning of recorded history have massively assaulted the genitals of their children, they assiduously deny that it is a sexual perversion or that those who do it ever mean any harm to the children¹.

We already mentioned Serhane who views circumcision as a plot of women against men. This Moroccan psychologist gives us another custom of his country, a custom that leads to child molestation under the setting of the religion.

Serhane explains that traditional Moroccan parents send their male children to Koranic schools. In these schools, children are confided to the *faqih* (religion's expert), from sunrise to sundown. The authority of this *faqih* is unlimited. His role doesn't limit itself to instruction and education of the child. The sexual dimension occupies a large room there. The child can become the object of sodomisation that he undergoes in fear, submissiveness, and violence. These schools, whose goal is learning the divine word, can serve as tacit courses of applied pederasty, with or without the participation of the honourable master of the school. It is a place of contradiction where the Koran can cohabit with rape. A Moroccan proverb says: "He who wants to learn must pass under the master". Everybody accepts it as if it's a ritual during which the *faqih* transmits to his pupils his blessing and his knowledge through sexuality. Although everybody is informed of the *faqih's* practice, people obligate their children to go into Koranic school and close their eyes to homosexual or even paedophilic practices in these places. This wanton complicity, parentally and socially maintained, has at all times encouraged the development of pederasty in traditional Moroccan circles. And it is on purpose that parents only send male children to Koranic schools. Knowing the perversities of the *faqih*, they prefer to limit the damages by protecting their girl's virginity.

Serhane adds that parents tolerate such practices by these men who carry, in his breast, the divine word. Indeed, how can one accuse a man who learned the Koran? In the traditional mind, the rape of the *faqih* is not considered a real rape since the man is an illuminated of God. Some people even go to the point of believing that the *faqih's* semen contains a dose of intelligence, and it is a desirable divine blessing that the Koranic master transmits directly to the pupil. This means the pupil must therefore put his body at the disposition of the Koranic master².

Evidently, to qualify circumcision in this negative way is not without creating problems. Even opponents to circumcision hesitate to make this connection. So Rosemary Romberg, a nurse married to a Jew, author of an important book against the circumcision, related:

Some [activists in the anti-circumcision] want to call circumcision "child abuse" or a "sin". However painful or damaging foreskin amputation may be, and however justified our feelings are on the matter, these concepts must be left out of the issue. Such threats will only anger others and turn people away from this cause. Those who have been enlightened enough to leave their sons intact, must remember that others who have chosen circumcision are either devout Jews who believe that they must do this for religious reasons, or are people who have been led to believe the common medical or social arguments for foreskin amputation. Many anti-circumcision activists are parents of circumcised sons, doctors who have performed circumcisions, or are circumcised males themselves, and therefore realize that the operation is only done out of misinformation, or religious convictions, not conscious intent to harm the child. All parents make mistakes with their children³.

¹ Ibid., p. 163.

² Serhane, p. 44-47.

³ Ibid., p. 44-47.

Jenny Goodman, a Jewish psychiatrist opposed to male circumcision, wrote:

[An] argument I don't use is to say that circumcision is a form of child sex abuse. Of course it is, and clearly perpetuated down the generations by the classic mechanisms of child abuse: denial, repression, numbness and compulsive repetition. In other words: "It did me no harm, it'll do him no harm". To confront this denial head-on is rarely useful; nobody likes you to comment on their unconscious processes, it is a rare man who has the courage to acknowledge his own loss, to say, in the face of tribal history, universal peer pressure and his parents: "Yes, I have been damaged, I won't pass this damage on down the line. The wounding stops with me. So, let us not require everyone to have such courage. Let's simply encourage them to stop, on the basis that times have changed, that we now have new information about babies' sensitivity and experience that we didn't have a generation ago (except silently in every mother's heart, of course)"¹.

This same fear of provoking a counterproductive reaction leads opponents of female circumcision to curb their tone and preach with moderation. Lightfoot-Klein wrote:

It is essential that we educate our own medical and psychological caretakers to enable them to deal knowledgeably and sensitively with such patients [...]. Because they have generally been raised in a loving environment by a caring extended family, circumcised women are likely to cling to the notion that the mutilation was performed as an act of love and for their own benefit. They will declare with pride and conviction that the circumcision was done for them, not to them. It is important that prospective psychotherapists remember this, in order to not represent or refer to these loving caretakers, the carriers-on of a tradition of which they themselves have been victims, as sadists or blood-thirsty monsters².

5) Circumcision as trickery

We saw that trickery plays a role in self-mutilation. Circumcision can also take the form of trickery. Trickery is often the most efficient means to master others, to come out of a dead end, or to obtain advantage.

The Bible tells of Jacob's sons who refused to give their sister Dinah in marriage to Shechem who had raped her, unless he and his tribe accept to be circumcised. "On the third day, when they were still in pain, two of the sons of Jacob, Simeon and Levi, Dinah's brothers, took their swords and came against the city unawares, and killed all the males" (Gn 34:25).

The Algerian newspaper *Al-Khabar* in August 23, 1999 reported that fundamentalist Muslims participated with camouflaged intentions in a circumcision ceremony in the locality of Wazrah. After having eaten dinner, they began to kill the guests with firearms and other weapons. Thus seventeen people, including the circumcised child, were executed.

Pseudo-Acro (ca 400), in his scholia on Horace's Satires (I.9.70) has a remark on the origin of circumcision among Jews, namely that Moses became circumcised through the negligence of a physician and consequently required all other Jewish males be circumcised so he might not be inferior³.

We also reported the story of the English soldiers circumcised on the decision of Ibn-Sa'ud. They pretended that they had converted to Islam thus avoiding being killed by the Bedouin⁴.

¹ Goodman: Open letter, p. 8.

² Lightfoot-Klein; Chase; Hammond; Goldman, p. 451-452.

³ Feldman, p. 158.

⁴ Al-Sa'id: Tarikh Al-Sa'ud, vol. 1, p. 234-253. See part 2, chapter 3, section 8.1.B.

One also notices that Sudanese girls, who have been rape victims are circumcised by their parents according to the Pharaonic form to hide the loss of their virginity¹. As for the Sudanese family who doesn't want to circumcise their daughter, they also resort to trickery. They organize a party for her, buy her new clothes, paint her hands with henna, and call in the midwife, exactly as if they were to have her circumcised. Then they pay the midwife to do nothing, and tell everyone that it has been done².

In the American military, some men, experiencing fatigue or post-traumatic stress from active combat, have welcomed circumcision as the 'lesser of two evils'. The operation would keep one out of battle for several weeks, and was at the government's expense. And since a considerably higher percentage of men die in battle than as a result of circumcision, perhaps the operation saved some men's lives³. Romberg also reported from an American soldier: "I know of a Navy doctor who always circumcises on Saturday night so he could use the foreskins for bait when he went fishing on Sunday". A Syrian told me that Christian soldiers in Syria undergo circumcision in order to get two weeks of family vacation. Circumcision can also be a means to escape persecutions.

- After the enthronement of queen Esther in Persia, "many people in the country professed to be Jews, because the fear of the Jews had fallen upon them" (Est 8:17). Josephus (d. 100) reported on this fact, specifying that "many of the other nations ... from fear of the Jews, had themselves circumcised and thereby managed to avoid danger"⁴.
- In the letter of Paul to the Galatians, it is written: "It is those who want to make a good showing in the flesh that try to compel you to be circumcised, only that they may not be persecuted for the cross of Christ" (Ga 6:12). Annotating this text, Jerome (d. 420) explained that the Roman emperors had promulgated laws allowing the Jews dispersed throughout the territory of the empire to live according to their customs. So they were dispensed from practicing pagan cults, one of which considered the emperor as the living divinity. In order to benefit from the Jews' privileges many Christians performed circumcision. Thus they passed for Jews in the eyes of the gentiles and escaped persecution. At the same time, the Jews considered them as one of theirs and didn't persecute them either⁵.
- Some believe that Jews expanded circumcision extensively in the United States so that they would not be the only ones circumcised, and therefore easily unmasked, in the event that persecution would hit them again similar to what happened during World War II⁶.
- Today, Christian Palestinians have begun male circumcision on a large scale. This situation can be explained by the fact that, surrounded by the Jews and Muslims who are two circumcising communities, they see in circumcision a means not to be identified and discriminated against. For this reason, they adopt also neutral Arabic names without religious connotations.

We also saw that some people mutilate themselves under the effect of Münchhausen's syndrome. A parallel phenomenon is named Münchhausen's syndrome by proxy. Parents can

¹ Lightfoot-Klein: Prisoners, p. 13, 24, 152.

² Ibid., p. 13, 127, 133.

³ Romberg: Circumcision, p. 183.

⁴ Josephus: Jewish antiquities, XI, 285.

⁵ Hieronymus: Comment. in epistolam ad Galatas, 6:12, vol. 26, col. 464.

⁶ See part 4, chapter 9.1.B.c.

pretend sons need a surgical procedure¹. It also applies to circumcision. Parents, caretakers and physicians pretend that it is a necessary medical operation whereas the true reason is to appease their hidden pathological desires.

On the Internet, one finds information according to which East German Police enforced circumcision on recruits. The work seems to have been the decision of one man, Dr. Otto Dietz, who was the chief medical officer of the Volkpolizei. He published several articles in German so he was not hiding too much. He forced circumcision on all Vopo recruits. His articles do not mention the word "forced" but they were forced and he wrote about thousands of circumcisions. Reports are that if the recruit had a son, extreme pressure was put on him to bring his son in. Apparently if the recruit had a brother some pressure was put on him to try and get the brother in as well. In one of his articles he brags about his invention, the *Dietz circumcision shears*, for doing the operation faster. This went on from the early 50's until the 70's. The Internet's author of the information advances several hypotheses:

Was he gay? Was he a Holocaust survivor getting revenge? Personally I always suspected this had some relation to Soviet spy efforts. Two Soviet spies in the US and one in Canada were discovered having foreskins when the records of those they were impersonating stated they were circumcised. I have wondered if spies were selected from this pool of circumcised Volkpolizei men².

Some think that linking circumcision to religious myth is trickery. Goldman writes: "Because the Jewish practice precedes its documentation in the Torah by over a thousand years, the divine commandment for circumcision may have been a way to relieve the parents of any sense of responsibility or guilt. The real origin of Jewish circumcision is a matter of speculation"³. But probably the biggest trickery is in seeing circumcision as a religious or medical reason, whereas very often it is motivated by economics.

Chapter 8.

Circumcision and economic factors

Ibn-Khaldun and Marx tried to explain social phenomena by materialistic and economic criteria. Whatever is our position relative to this concept, no one can doubt that circumcision has very strong ties with the economy. Some see economic roots in its birth and its evolution. It is a source of income for the circumciser; its diffusion depends on who pays the costs; the foreskin is commercialized; considerations of loss and profit enter into the decision to circumcise or not; both opponents and proponents make use of the money weapon. Circumcision also has repercussions on economic development. These points that we develop in this chapter are far of being exhaustive.

1) Economic roots of circumcision

The Jewish believers see in circumcision a divine order given by Jehovah to Abraham (Gn 17:10). This point of view has been inherited from the Jews by the Muslims, who added that Adam already practiced circumcision, but that his descendants had forgotten it until God recalled it to Abraham⁴. Whatever is the foundation of this belief, sociologists try to look for more earthy reasons for circumcision. Some contend that circumcision was born

¹ Erlich: La mutilation, p. 180-182.

² www.circlist.org/critesgermany.html.

³ Goldman: The psychological impact, p. 98.

⁴ Al-Sukkari, p. 11-12.

and developed for economic reasons. We start with the opinion of two Muslim Arab women. Dr. Nawal Al-Saadawi writes:

History shows us clearly that the father was keen on knowing who his real children were, solely for the purpose of handing down his landed property to them. The patriarchal family, therefore, came into existence mainly for economic reasons. It was necessary for society simultaneously to build up a system of moral and religious values, as well as a legal system capable of protecting and maintaining these economic interests. In the final analysis we can safely say that female circumcision, the chastity belt and other savage practices applied to women are basically the result of the economic interests that govern society. The continued existence of such practices in our society today signifies that these economic interests are still operative. The thousands of *dayas*, nurses, para-medical staff and doctors, who make money out of female circumcision, naturally resist any change in these values and practices which are source of gain to them. In the Sudan there is a veritable army of *dayas* who earn a livelihood out of the series of operations performed on women, either to excise their external genital organs, or to alternately narrow and widen the outer aperture according to whether the woman is marrying, divorcing, remarrying, having a child or recovering from labour¹.

The Moroccan Halimah Al-Warzazi, special UN rapporteur concerning the harmful traditional practices to the health of women and children, including female circumcision, writes:

It is clear that whatever the practice may be, and wherever it exists, the origins lie in the historically unequal economic and social relationships between men and women, resulting in a perceivable inferior status of the woman².

A new theory links the birth of circumcision to geo-economic factors. According to this theory, harsh climatic changes took place 6,000 years ago in a region called Saharasia, spreading from North Africa to central Asia. These climatic changes contributed to the creation of a violent *patrist* system which replaced the pacific and democratic *matrist* system. Groups dominated by patrist system once possessed (or were connected by migration-diffusion to) large warrior kingdoms, with extremely authoritarian and cruel cultural expressions such as divine kingship, ritual widow murder, human sacrifice, and sadistic ritual tortures of enemies, heretics, social rebels and criminals. In these groups men dominated women and God played an important role.

During climatic changes and subsequent severe famines and starvation, a child would be subject to deprivation and trauma, despite the parent's best intentions. As starvation lethargy set in, parents would understandably respond less to needs of the infant or child. Similarly, a mother under the pressure of an incessantly nomadic condition, where food grubbing on the move would occupy almost all energies, would probably not do much about the newborn crying, strapped into the backpack cradle. If she was lethargic and hungry herself, she would become increasingly oblivious to the crying. A mother who had herself been raised without attention to infant needs would not be prone to look after the needs of her own offspring. The parent, where such environmental patterns persisted over generations, would consequently develop a hardened attitude, rooted in the traumas of their own childhood experience.

A frustrated, anger-laden view of the maternal figure would develop, culture-wide, and maternal functions would be viewed increasingly with a sense of horror and severe anxiousness. This attitude would also negatively affect the relations between male and female,

¹ Al-Saadawi: The hidden face of Eve, p. 41.

² E/CN.4/Sub.2/1995/6, 20.7.1995, par. 34 (www.unhchr.ch/html/menu4/subrep/95sc6.htm)

and lead to increased violence and sadistic anger. Such destructive impulses would primarily be directed toward the sources of anxiety: children and women, procreative functions and the sexual organs, and other races or cultures who behaved in a more emotionally fluid, sexually healthy manner. Male and female circumcision constitutes a form of social violence. Once such behaviour is institutionalized in a society, it becomes a distinctive mark that the population carries with it in its migrations, affecting conquered populations. Even though the geographical situations may change, these practices persist because they acquire the strength of law and custom. In order to put an end to circumcision, it is necessary to end the violent patrilineal system of which it is part.

This theory indicates that male and female circumcision began somewhere in the eastern part of North Africa, or possibly even in Arabia in association with the major climatic change which affected these regions. Thereafter, the inhabitants of these regions spread these practices, in accordance with their customs and beliefs, following historically recorded migratory pathways. Over the centuries, ocean-navigating peoples from these same regions spread the practice out from the Red Sea and Persian Gulf regions to places as far removed as Indonesia, New Guinea, Borneo, and other areas now inhabited by Muslim peoples. Genital mutilations in Australia, central and eastern Oceania and the Americas may have arisen independently; but even here, Pre-Muslim and Pre-Columbian diffusion of these traits is strongly suggested by mapped geographical characteristics, and cannot be ruled out¹.

One can compare this theory to that of Ibn-Khaldun who believes that climate has influences on the bodies, customs, and religions of human beings. He says: "man is a child of the customs and the things he has become used to. He is not the product of his natural disposition and temperament. The conditions to which he has become accustomed, until they have become for him a quality of character and matters of habit and custom, have replaced his natural disposition"².

We indicated before that female circumcision, notably the Pharaonic form, is bound to desert regions and serves as a means to limit births.

If circumcision was a product of desertification, the present economic situations in Africa contribute to its maintenance and diffusion. A survey published by the UN in 1981 indicates that Africa endured three successive events:

- The trade of slaves that emptied Africa of its inhabitants.
- The colonialism that destroyed the systems of production for local use and introduced a new system of export of raw materials and minerals.
- The period of independence and industrialization that introduced the import of substitute products.

These three events changed the form of social life and tend to increase unequal distribution of wealth. More things became objects of trade, including circumcision. There resulted a deterioration of health for a great part of the population, notably women and children. People came back to the old customs then as means of social and economic security. Cultural practices thought useful for health, births and the control of sexual relations were introduced, including female circumcision. With the poverty, the available foods have been given of preference to men, thus increasing their domination in families. Western missionaries tried to abolish female circumcision, but the African peoples refused, because attach-

¹ DeMeo: *The geography*, p. 10-11; DeMeo: *Saharasia*, p. 4-8, 88-89.

² Ibn-Khaldun: *The muqaddimah*, vol. I, p. 258.

ment to their culture was and remains a means to affirm their identity in face of the political and economic domination that they undergo¹.

One notes that the diffusion of circumcision in the United States also has economic roots. In the first decades of the 20th century, the middle class emerged. The medical establishment reflected and validated the social changes and offered treatment for the anxieties they inevitably produced. For instance, the boundaries of childhood were extended by more than a decade so that middle-class males could receive the specialized professional and academic training required by a modern industrialized society. The functional significance of this change was that young people, who in previous generations had been expected to marry and commence sexual activity in early adolescence, were now expected to delay commencement of sexual activity until they were in their twenties. Young people who were unable to suppress their sexual drive were subjected not only to societal censure but also to medical intervention. Physicians theorized that manifestations of sexuality necessarily represented life-threatening losses of vital energy. Non-procreative use of the sexual organs, even within marriage, was viewed as dangerous. On this basis, it was concluded that masturbation was pathology. For those who were not able to control themselves, medicine found a solution through circumcision². We also saw that the transfer of births from home to hospitals facilitated an increase of the practice of circumcision in the United States.

The economic factor contributes to change the nature of circumcision from a religious ritual to a medical ritual. Many Jews prefer to circumcise their children by a physician in hospitals the first days after the birth instead of doing it by a *mohel* in the eighth day as prescribed by the religious law. This change is dictated by the fact that medical circumcision is less expensive than religious circumcision, because the *mohel* has to be called to the home and compensated according to the distance he travels. One notices the same evolution in male and female circumcision in other communities. Expensive external demonstrations are given up and the operation is performed more and more in the hospital immediately after the birth. One notes in this respect that Pharaonic circumcision replaces the chastity belt, too technical, and the regime of the harem, too expensive³. A Chadian woman explains the maintenance of female circumcision in her country by the fact that parents fear being considered greedy or financially incapable to finance the expenses of festivities of the circumcision⁴.

The economy plays a role in the determination of the circumciser. Once circumcision had become medicalised in the 19th century, many surgeons were keen to take paying customers away from the religious men. As such, doctors were often quick to highlight the unforeseen risks attendant on a non-medical procedure. And although public health services refuse to pay for circumcision in the United Kingdom, certain health authorities are now prepared to pay for it in regions with large ethnic minorities who otherwise may suffer from back street circumcision⁵.

The economy plays a role in the invention of medical justifications for circumcision. Insurances pay for an operation only if it is medically justified. If it is for religious reasons, parents have to pay for it, and this could push them to not do it, which means a loss for the physician. It is therefore imperative for the physician to find medical arguments to convince the insurance providers⁶.

¹ Giorgis, p. 2-7.

² Hodges: A short history, p. 17-18.

³ Hosken: The Hosken report, p. 83.

⁴ Report on the regional conference on traditional practices, Addis Ababa, 1990, p. 191.

⁵ Gordon; Dunsmuir, p. 9.

⁶ Price: Male non-therapeutic circumcision, p. 427.

Changing the economic conditions is an important means to put end to female circumcision. The mother, who has ten children and is not able to assure their means of subsistence and for whom she cannot find jobs, is forced to accept the circumcision of her daughters if this is the will of potential husbands. But if these daughters have a job and do not have to rely on a husband to survive, they will be free to either accept or refuse such conditions on behalf of their future husbands. For this reason, opponents to female circumcision ask the Western countries that a part of the funds for development invested in African countries be dedicated to assure the economic independence of the African women¹.

2) Profit as expansion factor of circumcision

A) Circumcision as source of income

The Gospel tells us how Jesus was betrayed by one of his disciples: "One of the twelve, who was called Judas Iscariot, went to the chief priests and said: What will you give me if I betray him to you? They paid him thirty pieces of silver. And from that moment he began to look for an opportunity to betray him" (Mt 26:14-16). The cupidity of Judas drove him to deliver his master. Jesus specifically warned his disciples against cupidity: "No one can serve two masters; for a slave will either hate the one and love the other, or be devoted to the one and despise the other. You cannot serve God and wealth" (Mt 6:24).

All work deserves salary. No one discusses the right of the physician to receive honoraria for performing circumcisions. But what if the goal behind this operation is the doctor's gain and not the patient's health? Here, the physician commits a crime and betrays his ethical norms according to which "the health of my patient will be my first consideration", as avowed by the oath of the International Medical Association. This is precisely the reproach opponents to male and female circumcision make to those who perform this operation. Without the cupidity of the circumcisers, there would never have been so many operations. Some even consider circumcision a form of sexual or economic exploitation of children².

Certainly, realization of gain is not always the first or unique goal of the physician behind the circumcision. But the doctor who does believe that infant circumcision is wrong, who will not perform the operation, and who attempts to talk new parents out of it, often only to see them turn to another doctor to get the operation, is certainly an individual with strong principles and admirable character. Such a doctor forfeits \$7,500 or more per year for the sake of his conviction, and this amount will go to another doctor. In an interview, one doctor told Romberg that he opposes circumcision because it has no medical reason. He tried to convince the parents by pricing the operation out of the market. He raised the price from \$35 to \$125. The parents objected. They still said: "I want my baby circumcised". So he said: "All right, I will circumcise him, but it takes \$125 to salve my conscience"³.

Ritter, an American physician, writes: "Don't accept, at face value, what your doctor has to say about circumcision". He reports a discussion he had with colleagues: "One obstetrician told me that most parents wanted the procedure. He could realize an extra 200 dollars on the operation; he saw no reason, therefore to dissuade them. Another told me that if he did not do the circumcision, the paediatricians or someone else would do it, and make the extra money"⁴. Ritter adds:

Make no mistake, there is money in circumcision [...]. Assuming a busy obstetrical practice of 300 deliveries per year, half of these being males, an obstetrician, if he charged \$200 per circumcision, would garner \$30'000 per year. This is the price of a

¹ Wesch, p. 93-95.

² Denniston; Hodges; Milos: Male and female circumcision, preface, p. VII.

³ Romberg: Circumcision, p. 111, 133.

⁴ Ritter, p. 27-1.

luxurious new car. If enterprising physicians could convince the American public of the need for female circumcision - after all, the female does possess a prepuce that accumulates smegma beneath it - they could realize an additional \$30,000. For \$60,000 one could purchase yearly the finest foreign car¹.

Wiswell, who defends the practice of circumcision based on his research on urinary tract infection, noted in 1987 that he knew physicians who "look at a foreskin and almost see a 125 dollar price tag on it. Heck, if you do 10 a week, that's over 1,000 dollars a week, and they don't take that much time"². NOCIRC asked this physician: "what would it take to change your mind about circumcision". His answer was: "a million dollars". Another paediatrician answered: "I'd be delighted if I never had to do another one. The question is to have the moral courage not to do it"³.

The role of economic gain in the rate of the circumcision is clear in what happened in England. In England, circumcision was performed at a rate similar to the United States. At the beginning of the Second World War this rate was 80% in the high society, and 50% in the working class. Circumcision was considered a means to prevent masturbation. After the adoption of a new system of social insurance, this rate lowered progressively until it reached zero in the 1970s. Physicians lost the true reason behind circumcision, i.e., the material gain, since they received the same monthly salary, whether they did the operations or no⁴.

Material gain is a curse not only with regard to circumcision, but also with other surgical operations. These operations increased with the increase of the number of physicians who had to share the cake of gains coming from the health trade. It is also necessary to add the cost to hospitals of the very expensive modern devices. To absorb these devices and to achieve a gain it is necessary to increase their utilization by creating new needs.

We have the same problem with regard to female circumcision, as we saw in the aforementioned quote of Dr. Nawal Al-Saadawi. This operation is often done by a barber or by a *daya*. This last profession, inherited from mother to daughter, is much respected, especially in the countryside. It is normal that midwives oppose the abolition of female circumcision just as they oppose contraceptives and the limitation of births, because it touches to their livelihood and their prestige⁵. No sensible person sees the branch on which he is sitting.

When one tried in Egypt to do female circumcision exclusively in hospitals to limit the risks to health, with the hope that physicians would dissuade families before operating, this solution led only to transferring the gain of *dayas* to physicians. Instead of dissuading the families, physicians were interested in the maintenance of this practice⁶.

The bait of gain is not limited to midwives and physicians, but spreads to the religious authorities. In the 3rd International Symposium on Circumcision held in Maryland in 1994, the Egyptian physician Muhammad Badawi reported that circumcisers in Egypt often locate themselves close to mosques. They exhibit attestations from religious authorities permitting them to perform circumcisions. These authorities charge a fee to provide such a document. "Nothing is free aside blindness and deafness", says an Arab popular proverb.

Let us recall here that the campaign in Sudan against female circumcision at the beginning of the 20th century had for its initial goal to replace Pharaonic circumcision by *sunnah*

¹ Ibid., p. 29-1.

² Goldman: Circumcision the hidden trauma, p. 45.

³ NOCIRC Annual Report, Spring 1999, vol. 13, p. 8.

⁴ Romberg: Circumcision, p. 112.

⁵ Giorgis, p. 19.

⁶ Abd-al-Salam: Khitan al-inath, p. 27; See also Ramadan, 43.

circumcision, which is considered less dangerous. Two English nurses with this purpose trained midwives. But these midwives received no pay at all from the government. They derived their income directly from the families they served, and this must have sometimes made them vulnerable to requests from mothers and grandmothers for more severe operations. Who pays commands¹.

The same problem exists with the emigration of the Sudanese physicians to Arab Gulf and Western countries. This brain drain places medical services for women into the hands of medically untrained midwives, the very poor who stand to gain the most by perpetuating the severest and most damaging form of female circumcision².

Often circumcisers in Africa live from their profession and it is the only work they know. Opponents to female circumcision emphasize that to abolish this practice it is necessary to offer to these circumcisers alternative sources of income for their livelihood such as baking and dyeing³.

The economic gain from female circumcision also creates a problem in Europe. Physicians in London perform the operation for an amount of 1,500 pound sterling⁴. These British physicians opposed the adoption of a law against female circumcision⁵. Hosken indicates that the issue of this practice has been raised only in those Western countries in which the government assumes expenses of health, as in England. It is less an issue in the United States⁶.

We cite, finally, an article published March 4, 1997, in the newspaper Al-Charq al-Awsat, according to which more than 1,000 small girls of age four to five years of the Bundo sect in Sierra Leone were kept by female circumcisers of the sect since more than one month because parents had not paid for expenses of the circumcision, rising to three dollars. So long as this sum would not be paid, the little girls would not be given back to their parents⁷.

B) Circumcision and medical instruments trade

To prevent masturbation, instruments and special clothing were invented to prevent boys and girls from touching their genitals. About twenty patents for such devices were registered in the United States between 1861 and 1932⁸. When physicians recommended the recourse of circumcision, Jews were the first to invent devices to facilitate the physician's work, thus contributing to the diffusion of the practice of circumcision. The person who buys a device wants to pay it off and to achieve a gain by using it, and the one who invents it wishes to sell as many as possible. Therefore, neither the physician nor the inventor has interest to take a position against circumcision, on the contrary.

In the 1950s, the American circumcision industry began effort to spread circumcision to Europe. Of all European countries, East and West Germany were most often targeted for circumcision propaganda from the United States, maybe for revenge as Jews were the main proponents of this practice and inventors of the devices. Around 1957, the *Gomco surgical manufacturing company* established a European distribution network headquartered in the West Germany City of Ulm. In the same year, Kaiser Foundation Hospital representatives worked with Otto Dietz, chief medical officer of the Volkpolizei in East

¹ Sanderson, p. 72-73.

² Lightfoot-Klein: Prisoners, p. 49-50.

³ Report on the regional conference on traditional practices, Addis Ababa, 1990, p. 196; Ras-Work: Female genital mutilation, p. 149-150.

⁴ Lightfoot-Klein: Prisoners, p. 45.

⁵ Hosken: The Hosken report, p. 304.

⁶ Ibid., p. 309.

⁷ E/CN.4/Sub.2/1997/10, 25.6.1997, par. 12.

⁸ Bullough, p. 549, 561-562.

Germany, of whom we spoke before, to promote the mass circumcision of German babies. In 1959, 150 German babies born in a state-run clinic in the West German city of Darmstadt were experimentally circumcised without anaesthesia as a promotion for the Gomco clamp. In 1963, Dr. H. Koester arranged for the maternity clinic at the University of Gießen to adopt a policy of mass circumcision by Gomco clamp of all German boys born there. By 1968, arrangements were made for 2,832 East German babies to be circumcised as a promotion for the Gomco clamp.

In the early 1970s, however, circumcision met with increasing disfavour among medical officials in both East and West Germany, and the circumcision experiments came to an end. Meanwhile, Gomco promoters had moved into Denmark and arranged for 18 Danish newborns to be circumcised in 1973. Along with publicity photographs of the Gomco clamp, the results were published in glowing terms in the Danish medical press. The Danish people, however, tenaciously resisted the idea of allowing their children's sexual organs to be surgically altered for any reason, and the circumcision campaign faded¹.

We noted in the first part that in 1959, the American Jewish physician Rathmann published an article in a medical magazine praising merits of a device of his invention to perform female circumcision². A device called Tara Klamp, invented by a Malaysian, got in 1996 the gold medal at the 24th international Exhibition of inventions of Geneva. The advertisement for this device says that it represents economic advantages for the patient and the State since it reduces the medical interventions and saves days lost from work. It is obvious that those who granted the gold medal cannot be opponents to circumcision.

C) Circumcision and foreskin trade

The foreskin knew many uses of superstitious character. But one discovered that it could also be a source of fabulous material profits. It has thus been used in the cosmetic industry, in medical experiments and in skin graft operations. It is this last use that interests us here.

Whereas all skin can be enlarged for transplantation, sensitive skin works best. This is notably the case of the skin surrounding the eye and genitals, including the foreskin. The director of *Advanced Tissue Sciences* says that the skin cells are obtained from the foreskins of circumcised babies. "One foreskin will provide enough cells to give 250,000 sq. ft. - six football fields of new skin"³.

Since the 1980's, private hospitals have been involved in the business of supplying discarded foreskins to private bio-research laboratories and pharmaceutical companies who require human flesh as raw research material. They also supply foreskins to transnational corporations such as *Advanced tissue sciences* of San Diego, California, *Organogenesis* and *Bio-Surface technology*, which have recently emerged to reap new corporate profit from the sale of marketable products made from harvested human foreskins. In 1996 alone, *Advanced Tissue Sciences* could boast of a healthy 663.9 million dollars market capitalization performance⁴. An article published in 1992 titled: *Companies see \$1.5b market in replacement skin products*, explained that these companies expected to be the cornerstone of a \$1.5 billion to \$2 billion market for wound dressing products by the late 1990's⁵. In a text published on the Internet, an author proposes that every child should receive a million of dollars as price of his foreskin⁶. The editors of a recent book observe:

¹ Hodges: A short history, p. 30.

² Rathmann: Female circumcision.

³ Financial Times, 12.2.1996, p. 20.

⁴ Hodges: A short history, p. 35.

⁵ The Boston Globe, 19.10.1992.

⁶ e-mail: Chuff@prodigy.com, 27.10.1996.

In the 19th century over the issue of human slavery, Abolitionists argued that every human being had "God-given" rights and, therefore, could not be made the personal commercial property of another human being. Today, we are reliving this debate, but rather than entire human beings, specific human body parts are now the focus of corporate appropriation and exploitation. Certainly, none of the boys whose foreskins are being harvested for commercial exploitation receive any share in the profits generated by their unwitting contribution. We have yet to ask whether our most basic birthright should become a source of corporate income. The majority of American parents have yet to consider whether the steady stream of pro-circumcision messages they have been receiving from certain corners of the medical industry is in part attributed to the intense profitability of circumcision to circumcisers, hospitals, insurance companies, pharmaceutical corporations, and now, biotechnology corporations¹.

Because circumcision does not answer to a medical need, but to the desire of the physician to achieve a gain, opponents see in the foreskin' trade a new obstacle to their campaign. As long as there is a market for the foreskin, there will be necessity to amputate foreskins by circumcision to meet the demand. Opponents are beginning to alert parents that hospitals and physicians perform circumcision to steal the foreskin of their children to sell it². One American hospital sells each foreskin for US\$35. Some honest physicians reduce from their honoraria for the circumcision the price that they receive from the sale of the foreskin³.

The sale of foreskins raises numerous questions that John Erickson sent May 1st, 1987 to the American cancer society⁴. Inspired by his questions, on September 5, 2000, I addressed to M. Manfred Stahel, Medical marketing manager, Novartis Pharma Switzerland, the following questions concerning the Apligraf-Novartis product created by using the foreskin:

- Source of the foreskin: from where does Novartis get foreskins? From hospitals? From physicians? From middle-men? From nurses? From Switzerland? From foreign countries?
- Price of the foreskin: What is the price paid by Novartis for each foreskin? Is the price by piece? By weight? By colour? By age? Who receives the price: The parents? The hospital? The physician?
- Quality of the foreskin: What is the child's age whose foreskin you use? Do you prefer the foreskin of a newborn? Do you also use foreskins of adults? Is it necessary that the foreskin be cut with or without anaesthesia? Do you give instructions to suppliers of foreskins? Is there a difference of price between the foreskin cut with anaesthesia and the foreskin cut without anaesthesia?
- Utilization of the foreskin: To what purpose does a foreskin serve? How much can one widen it? To whom do you sell the widened foreskin? For what price can a foreskin sell? How many foreskins do you use per month?
- Legal questions: are parents informed of the utilization of their child's foreskin? Do they give a written or oral authorization? What are the ethical or legal norms governing the consent of parents? Do norms relative to transplantations of organs apply to the excision and the utilization of the foreskin? Is there a survey on the ethical and legal aspects of the utilization of the foreskin?

¹ Denniston; Hodges; Milos: Male and female circumcision, preface p. VII-VIII and footnotes 3 and 5, p. VIII.

² Fleiss: Where is my foreskin?

³ Erickson: Foreskins for sale.

⁴ Ibid.

November 15, 2000, Novartis answered me that it is only the distributor and marketer of Apligraph. The manufacturer of the product is the US company Organogenesis. Novartis give no answer to any of my questions. Shouldn't the distributor and marketer respect ethical norms?

I have under my hand a letter of the Faculty of Physicians of Sydney, from 1994, stating that a researcher distributed information in favour of male circumcision to nurses and other people in the medical clinics, making forgery use of the name of the university for his advertisement. The researcher's goal proved to be to assure the harvest of child foreskins to make some medical experiments. The Australian medical association protested against this proceeding: "This would bring disrepute onto the medical profession".

3) Circumcision and insurances

Insurances certainly have their positive aspects because they create solidarity between members of the society, but they open the door to abuses: the customer tries to get the maximum of services against his premiums paid. If insurances pay for circumcision, parents can be brought to believe that it is useful; otherwise insurances would not pay for it¹. We here confront a vicious circle. A survey concerning 90 couples who chose circumcision and had insurance coverage, found that only 20 would have chosen it without insurance payment².

Insurances also give rise to abuses by physicians. Insurance reimbursement schedules have the tendency to encourage surgical operations, which demand less effort and produce more gain. Because insurances only pay if one presents them a medical reason for the intervention, the physician may need to invent a motive that satisfies the insurer. On the other hand, the higher the reimbursement for an operation, the more the physician tries to perform it. This norm applies for circumcision and other surgical operations. San Francisco, for example, has one of the highest rates of breast cancer surgery in the USA, reflecting without question the high rates of insurance and public assistance money available to fuel these expensive surgeries³. In a survey made in the United States in 1998, physicians were asked if they would stop offering and performing circumcision if they were not reimbursed. If reimbursement were ended, 48% would quit, and 40% claim they would continue to circumcise whether or not they were paid. The question did not discriminate between third-party reimbursement and private payment, and one may assume that many physicians would simply transfer the charges from the insurance company to the patient's family⁴.

Opponents to circumcision attempt to attract the attention of insurers that they are paying for operations without medical necessity. But these insurances have their logic. Group Health Cooperative (GHC), of Madison, Wisconsin, answered an inquiry, on March 21, 1994:

We at the GHC are aware that there is no medical necessity for this procedure [...]. We encourage our members not to be circumcised [...]. We have continued to provide coverage for this procedure because it has been the opinion of GHC management that such coverage is preferred by the vast majority of our members. I would like you to be aware that our coverage of this procedure results in no additional cost to GHC. This is possible because of the nature of our contracts. In our contracts with our hospitals, we pay a standard daily rate for our newborns, irrespective of how much medical care is provided. Therefore, we do not pay any additional cost for a circumcision [...]. Since perform-

¹ Romberg: Circumcision, p. 113-114.

² Goldman: Circumcision the hidden trauma, p. 61.

³ DeMeo: Saharasia, p. 131.

⁴ Fletcher, p. 266-267.

ing these circumcisions has not resulted in any additional cost to GHC, GHC has chosen to continue to cover these procedures because GHC feels that a substantial number of our members want this to be covered. In fact, there would likely be a significant consumer negative response if we refused to perform these. Your technical analysis is correct. However, from a marketing and member satisfaction perspective, GHC has elected providing this service to our members. The support for circumcision in this country is cultural and societal, not medical. GHC is responding to societal and cultural expectations by covering this procedure.

Blue Cross Blue Shield of Utah answered September 21, 1994:

It has been known for decades that circumcision provides no demonstrably medical necessary purpose. It is rooted in our culture, however, and efforts to the contrary have done little to abolish this habit.

Blue Cross and Blue Shield of Utah does not set social policy, and while our contracts regularly exclude payment for medically unnecessary services such as the removal of a normal appendix, it does pay for a number of procedures which are not medically necessary. These would include tubal ligations, vasectomies, reversal of a previously performed tubal ligation or vasectomy, implantation of penile prostheses, to mention a few in the genitourinary area. Blue Cross and Blue Shield of Utah does not reimburse for these because it feels that they should be paid, but rather that the public demands that this service be included in their insurance policy.

Some insurers do refuse to pay for circumcision because it is not a medically necessary operation, for one example, Pennsylvania Blue Shield since January 1st, 1987¹.

It is necessary to indicate here that physicians often recast religious circumcision as medical circumcision so that insurance pays the expenses instead of parents. A Muslim Egyptian professor teaching in a University and living in London told me in August 1998 that he had his children circumcised in a hospital on expenses of the State. He explained: "The physician was cooperative. He mentioned on the medical file that the circumcision was made because of phimosis". This practice seems to be current in France².

I did a survey in March 1999 of several Swiss hospitals and physicians. This survey found that a certain number of male religious circumcisions are presented to insurances as medically necessary operations. Insurances pay for these operations without doing any control. In a letter of August 11, 1993, a physician in chief of a Swiss hospital reprimanded some social workers and physicians who tried to make up medical reasons for religious circumcisions, performed on Muslims requesting asylum, in order to make the insurances pay them. He noted that such falsification is contrary to both ethics and the law. But he added that two physicians of his hospital, one of them a Muslim, could offer their services free, provided that families pay the amount of 700 Swiss Francs, as fees for hospital.

4) Circumcision and weapon of money

Social change needs arms and money. The Koran says: "You shall readily mobilize, light or heavy, and strive with your money and your lives in the cause of God" (9:41). In this verse as in others³, the Koran places *money* before *lives*. In France, one says: "Money is the nerve of the war", and in Switzerland: "Who pays commands". And it is normal that the one who pays expects that his money be used according to his desires.

¹ Ritter, p. 36-2.

² Telephone with Mrs Linda Weil-Curiel on 1.6.1999.

³ See Koran 9:20 and 88; 8:72; 49:10.

The introduction of the report of the Seminar on Traditional Practices Affecting the Health of Women and Children in Africa held in Dakar in 1984, contains a list of organizations that financed it. The list includes three organizations of the UN: UNICEF, UNFPA and WHO, to which are added organizations from Britain, Switzerland, Sweden, Holland and the United States¹. In the report of the same seminar held in Addis Ababa in 1987, we find the aforementioned international organizations as well as organizations from Britain, Switzerland, Sweden, Holland, the United States, Canada, Denmark, Norway and Germany².

Newsletter no. 26, January 2000, of the Inter-African Committee indicates that the government of the Netherlands sponsors this Newsletter. At the end of the Newsletter, acknowledgments are addressed to 35 international and national organizations, mainly Western ones, which contribute to the activities of this Committee, which concerns itself with traditional practices, especially female circumcision, but does not concern itself with male circumcision.

It is clear from these data that the West and the international organizations are the principal contributors to the struggle against female circumcision. The same phenomenon is found again with the African national organisations, including Egyptian organizations, that fight against female circumcision. They are financed almost exclusively by the West and international organizations.

In a book titled *Financing and normalization*, Sana Al-Masri has a chapter titled *Symposia and meetings aiming to circumcise the politics and politicians*. There she addresses the reasons that push Western organizations to finance activities of different Egyptian organizations concerned with female circumcision, and how these latter organizations hurry to answer to the desires of the Western contributors in order to receive their help "without arriving to a result despite the millions they spend in their activities"³.

One will notice in this respect that Western and international organizations definitely refuse to finance activities aiming to abolish male circumcision. Organizations that fight against female circumcision make great efforts to separate clearly between these two practices, to avoid risk of losing their funding sources. This is the case of the aforementioned Inter-African committee. A Cameroonian researcher reports that he participated in a symposium organized by the Cameroonian branch of this Committee.

I raised the issue of male circumcision and tried to argue that, even though it might be considered less drastic than its female counterpart, it violated the same fundamental principle of personal bodily integrity, and that the two were, therefore, best tackled together, especially as it is the former that is widespread all over Cameroon. Quite surprisingly, however, my arguments were rapidly brushed aside, as all other participants seemed to consider male circumcision quite unproblematic. Besides, as one of the organizers of the event pointed out to me, the terms of reference for which funding for the seminar was provided did not include male circumcision. A young lady even further told me during the coffee break that she considered my remarks typical of male patriarchal chauvinism, always seeking to divert attention from any serious problem affecting women to a non-problem affecting men. When I protested that I, in fact, considered myself a feminist, she only sneered⁴.

The Western countries do not limit themselves to financing the struggle against female circumcision, but threaten to cut economic aid to countries that do not participate in this

¹ Rapport du séminaire sur les pratiques traditionnelles, Dakar, 1984, p. 5.

² Report on the regional seminar on traditional practices, Addis Ababa, 1987, p. 45-46.

³ Al-Masri: *Tamwail wa-tatbi*, p. 93-130.

⁴ Tangwa, p. 188

struggle, as we will see in the next chapter. The German organization *Terre des femmes* clearly indicates that one of its objectives is to push the Western States to go in this direction¹.

Let us note here that the proponents of male circumcision also make use the money weapon to maintain this practice. So Dr. Wiswell writes:

If 10 years from now there are uncircumcised children on dialysis with kidney damage associated with UTI [urinary tract infection], insurers who wouldn't pay for circumcision might be held liable².

A similar threat can be found in a rabbi's letter:

It would be fair that children and adults who were not circumcised as newborns because their parents listened to the anti-circumcision propaganda when they develop one of the maladies of the uncircumcised, should be entitled to sue the anti-circumcision movement. Children should also be able to sue. It should be the duty of the parents to sue, because of the suffering of the uncircumcised child³.

Opponents of male circumcision push parents to sue physicians who perform circumcision. An American lawyer who pled in several cases of circumcision writes, under the title *Law-suits can be an effective weapon against circumcision*:

I have found that, not only are wrongful circumcision lawsuits capable of being won, they can provide a sufficient monetary award to encourage both parents and lawyers to bring them. ... Every successful suit over circumcision results in not only a monetary recovery to the plaintiff, but in a monetary loss to the defendant. Each claim that is successfully brought heightens the awareness of others that mistakes mean less money. This should result in greater care and concern about following the parent's wishes. Further, payment by an insurer generally results in an increased awareness by the insurer and its employees of the risks of circumcision and the lack of necessity for it. If enough successful suits are brought for circumcision, the insurance industry will put pressure on doctors and hospitals alike to cease and desist from such a costly course of action. While suits alone will not end circumcision, the heightened awareness of the facts that they bring, not only to the participants in the litigation, but also to the general public through media coverage of the trials, can only have a beneficial effect for the effort to end circumcision⁴.

5) Circumcision and national economy

A) Male circumcision and national economy

The Roman emperor Vespasian (d. 79) established taxes on the public toilets to re-float cash-boxes of the State, estimating that money doesn't have an odour. Governors of Madagascar in the 18th and 19th centuries imposed circumcision to the population every seven years and required the payment of a tax for every child circumcised. If a father does not circumcise his child at the appointed time, his wife and his children are sold into slavery⁵.

Sabbaruddin Chik, Culture, arts and tourism minister in Malaysia, proposed that mass circumcision ceremonies be staged as "cultural events" to boost tourism, saying that such activities could be money-making ventures people would enjoy watching⁶. There has been

¹ Richter, p. 119.

² Hodges: A short history, p. 34; Boyd, p. 70-72.

³ Shechet: Letter to the editor.

⁴ Llewellyn, p. 478.

⁵ Bloch, p. 114.

⁶ Bangkok Post, 8.12.1997, in NOCIRC annual report, Spring 1998, vol. 12, p. 3.

no reaction in the press against this proposal. Imagine what could be the reaction now if an African head of State proposed female circumcision as a tourist attraction.

One of the arguments of proponents of universal circumcision of newborn males is that it costs less to the State than if one had to do it for 5 to 10% of them as adults. Dr. Pasha repeats this argument mentioning Dr. Wiswell¹. He writes that planners of every project calculate the financial costs to see if they exceed the profits. This is how Americans calculate costs of the circumcision. So Professor Wiswell estimates that the cost of the circumcision of all children in the United States would rise annually to 180 millions of dollars if one assumes that every operation costs 100 dollars. But if one leaves all children uncircumcised, between 10 to 15% of them would need to be circumcised as adults for phimosis or inflammation of the glans. Each such operation on an adult costs between 2,000 and 5,000 dollars, which means annually between 360 and 900 million dollars. If one calculates the other risks resulting from non-circumcision, including urinary tract infection, venereal illnesses and cancer, one will save a lot of money by circumcising all males at birth. Dr. Pasha comments:

This is how they calculate and plan, and their calculations are in conformity with the law of nature [mentioned by Muhammad]. But the divine providence decided that the circumcision is the best measure before the existence of the calculations².

Applying the same logic, opponents say that mass circumcision is more expensive to the society if one takes account of the number of men really having need for circumcision as adults, and the risks of the operation to children. In Finland, not more than 6 people on 1,000 people had recourse to circumcision as adults. Even in the United States, where physicians recourse easily to the scalpel, this rate is 3 on 1,000, some of whom have the operation for nonmedical reasons including: cosmetic effect; religious conversion to the Jewish or Moslem faiths, and the urging of wives based upon the false fear of cancer. Therefore, the story is not worth the candle³. We already spoke of this problem in the medical debate. On the other hand, if one channels financial and personal resources, that are not unlimited, into useless operations, other important sectors of the public health will be negatively affected⁴. An opponent adds a moral judgment there:

Placing monetary value on our body parts is an outrage. Amputating a foreskin as a future cost-cutting measure for the insurance industry is perverse⁵.

B) Female circumcision and national economy

As with male circumcision, so too female circumcision is made the object of economic calculations. We saw that it constitutes a means of subsistence for female circumcisers. Some even use it as spectacle to earn money. Fran Hosken writes:

In France as elsewhere, FGM is used for pornographic purposes with sadomasochistic overtones for the entertainment of certain kinds of perverted males. For instance, one can find movies showing girls being excised in Africa that are shown in certain theatres in both New York and Paris and even publicly advertised. It also appears that some enterprising Africans in Paris have taken up showing off the mutilation of little African girls, using live victims, to make money from tourists⁶.

¹ Wiswell: Routine neonatal circumcision.

² Pasha, p. 31-32. See also Al-Bar: Al-khitan, p. 79.

³ Boyd, p. 68; Wallerstein: Circumcision: an American health fallacy, p. 128; Ritter, p. 34-1.

⁴ Romberg: Circumcision, p. 111.

⁵ Boyd, p. 68.

⁶ Hosken: The Hosken report, p. 302.

Hosken published a letter of a German tourist dated September 9, 1982 telling that he was asked to pay FF. 1,000 to see in Paris real excision done to a young French-African girl. This letter raised a huge scandal in the European Parliament, obliging France to investigate, but without result. French authorities declared that the letter was surely a hoax¹.

Opponents of female circumcision say that it can have enormous costs for the society. According to Fran Hosken, these costs are on four levels:

- 1) The costs due to loss of life of female children and young women who die as the direct result of the operations.
- 2) The costs of injuries, infections and of making childbirth more hazardous as well as cost of lifelong health problems. With more women seeking help in the hospitals, the costs of health assistance are growing for each government.
- 3) The costs of work time lost due to illness, including the recurring menstrual problems caused by the operations that have to be borne by each employer. As the largest employer in African/Middle Eastern countries is the government, these costs directly affect the development budget and the costs of development plans.
- 4) The cost of introducing the operations into hospitals in Africa/Middle East, including the necessary drugs and care, would be well beyond the budget of any African/Middle Eastern country.

Hosken concludes that it is obvious that the costs of organizing nationally and internationally supported local health education and prevention campaigns against female circumcision will yield a very large net savings of direct expenses over the coming years. This is even more urgent due to the growing disaster of AIDS, to which female genital mutilation greatly contributes².

Lightfoot-Klein says with regard to Sudan:

Because of the blockage, it generally takes 10 or more days to complete a menstruation. Quite apart from the physical pain involved, the girl is psychologically disabled for this period each month. Her embarrassment at the odour of discharging long pent-up menstrual blood is so acute that she generally does not leave her house during this period. The implication for her prospects in attaining an education or possibly even a job are not promising. In point of fact, very few women hold jobs, even among the educated classes in the capital³.

Opponents of female circumcision exploit this argument to convince donors to finance their activities. Thus one reads in the report of the seminar held in Addis Ababa in 1987:

Special efforts should be made to inform both the donors and the recipients of such assistance about the importance of protecting women from the hazards of certain traditional practices as an integral part of and contribution to the country's process of development⁴.

This report urges that "Women in the African region have a crucial role to play both in the development of their countries and in the solution of problems arising from the practice of harmful traditions. Health is a *sine qua non* for development"⁵.

¹ See Hosken: The Hosken report, p. 302-303; Saurel, p. 22-26.

² Hosken: The Hosken report, p. 48. See also Al-mumarasat al-taqlidiyyah, p. 21.

³ Lightfoot-Klein: Prisoners, p. 57-58.

⁴ Report on the traditional practices, Addis Ababa, 1987, p. 9.

⁵ Idem, p. 18.

Fran Hosken complains that Western organizations do not address female circumcision in their programs for development. They concern themselves with population control and contraception, and neglect female circumcision. She indicates that Dr. R. T. Ravenholt, former chief of the population program at the US Agency for international development (AID), who was determined to implement strict population control all over the developing world by any means, characterized female circumcision as "nothing but a traditional way of regulating population growth" and proposed to her that she should write an article expounding this idea in the *Population report*, a US AID funded journal, but she refused¹.

If the abolition of female circumcision is a condition for economic development, some hold on the contrary that it is not possible to abolish it before achieving this development. Therefore, it is necessary to give priority to improving the economic situation of the woman. But opponents claim it is not possible to achieve this economic improvement without freeing the mind. As long as women do not realize their situation and act to defend their rights, their economic and social situation will not progress².

Lightfoot-Klein reports a discussion with a female Sudanese physician who told her about the situation of circumcised woman:

Of course none of us are happy about it, but we can live with it, as long as there are no serious medical complications [...]. There are problems of such tremendous magnitude in our society and in our lives, that it is not a primary problem to us. Survival is primary. Sexual matters are not as important here as in the Western world. [...] Eight or ten years can make a perceptible difference in the city, because of television and other media. Wherever there is electricity, there will be change. But in the villages it will take a very long time³.

We therefore confront a vicious circle. As long as circumcision is practiced there will be no development, and as long as underdevelopment continues circumcision will be practiced.

Chapter 9.

Circumcision and political factors

The religious systems are based on the principle that there exists a separation and a conflict between believers and unbelievers. Numerous people establish their relations on this basis and adopt their position relative to circumcision according to this logic. Thus, they accuse the opponents to circumcision of atheism and hostility towards the religions. Colonialism saw a conflict emerging on the basis of racial adherence: the European race against the non-European races, notably Africans. These see in the opposition to circumcision by Europeans an echo of this conflict. In face of these religious and racial conflicts, there is the conflict on the basis of sex, led by the feminist movements, that bypasses the criteria of religion and race. Feminists see circumcision as expressing hostility by men against women. All these conflicts are accompanied by mutual accusations of plot, exaggerated arguments and excessive demands on both sides. In the campaign against male and female circumcision, it is not easy to separate humanist from polemical motivations, as we will see in this chapter.

¹ Hosken: The Hosken report, p. 359.

² Abd-al-Salam: Al-tashwih, p. 28.

³ Lightfoot-Klein: Prisoners, p. 156-157.

1) Jews, circumcision and political conflict

A) Opposition to male circumcision and anti-Semitism

Rabbis consider circumcision to be an important component of Judaism and Jewish identity. For this reason, they consider any campaign against this practice as an attack against their beliefs. They accuse non-Jewish opponents of circumcision of anti-Semitism, and they accuse Jewish opponents of self-hate.

Jews use the term anti-Semitism to designate all attitudes hostile to Jews. However, not all Jews are Semitic, and those who are form a small minority among Semitic peoples. On the other hand, if we list all the religious groups who perform circumcision, we see that the Jews are the smallest in number since they only count about 16 millions, against a billion Muslims and about 350 million Christians who circumcise. Furthermore, a growing number of Jews are choosing not to circumcise their children. Finally, one can consider silence in the face of the circumcision of the Jewish child as a hostile attitude toward Jews, because it implies we feel they do not deserve our protection and do not have the same right to physical integrity as non-Jewish children .

Despite the inconsistency of the anti-Semitism accusation, it has important repercussions with regard to the debate on male circumcision. To avoid offending Jews, the term *female circumcision* has been replaced by *female genital mutilation* in order to avoid suggesting any analogy between the two practices. The term *genital mutilation* has been restricted to refer only to *female circumcision* because using the term to describe *male circumcision* could wound the feelings of Jews. We will come back on this point in the legal debate.

For their part, Western legislators and governmental and non-governmental organizations - with some exceptions - are silent about male circumcision. Any reference to male circumcision is carefully avoided when discussing female circumcision, without indicating the reason for making such a distinction. For having compared the two practices, I was cited in Anti-Semitism World Report 1997, which says:

In April a book by Sami Aldeeb, a Swiss jurist of Christian Palestinian origin, was published in Lausanne, attacking Jews for ritual circumcision and comparing it to the practice of female clitoridectomy¹.

The report refers here to a booklet titled "To mutilate in the name of Jehovah or Allah: legitimization of male and female circumcision". On January 7, 1999, I contacted the authors of this report by e-mail, asking them to either correct their statement or add my response. I did not receive any answer from them.

The document incriminated in the report had been distributed in the 3rd International Symposium on Sexual Mutilations that took place in Maryland in 1994, in which Miriam Pollack, a Jew opposed to male circumcision, participated. She sent this document to different Jewish groups to mobilize them against me. Several wrote me to make me reproaches. In the 4th International Symposium held in Lausanne in 1996, she attacked some of the ideas mentioned in my document:

Misperceptions that Jews are responsible for the high circumcision rate among non-Jews in the United States, or that Jews advocate routine circumcision of non-Jews to acquire covertly Christian converts may not be intended to be malicious, but neither are they simply erroneous. They echo, with all the dangers of the old canards of exaggerated Jewish power, Jewish conspiracy theories, and are not so very far removed from that lingering image of the Jew as the embodiment of evil. Jews, unlike Christians, do not

¹ Antisemitism world report

actively seek converts and once a non-Jew has decided he or she wants to become Jewish, the process is long and arduous. The proliferation of such misperceptions inevitably contribute to the creation of a hostile atmosphere towards the Jewish community, rightfully causing Jews, even secular Jews, to close ranks against such positions. Such misperceptions will not serve the movement to end circumcision¹.

The accusation of anti-Semitism does not come only from Jews but also from Christians, and it is directed against both Jews and non-Jews. Betty Katz Sperlich, a Jewish nurse who founded the association *Nurses for the rights of the child*, says: "I've been called anti-Semitic by non-Jewish people. We are touching a deep nerve. But as a Jew how could I not speak up against Jewish circumcision? I would be letting Jewish babies down"².

Let us note here one example of this dilemma. On September 25, 1998, the Bioethic national committee of Italy took a position in which it considers female circumcision a violation of the law, but not male circumcision. This Committee also decided that, because of the principle of State secularism, religious nonmedical male circumcision could not be covered by the social insurances³. In a press release, the President of the Consumers' association criticized this decision on the day it was announced, considering it like "anti-Judaism and anti-Zionism"⁴!

In order to avoid the Jews closing on themselves, Ronald Goldman, a Jewish opponent of male circumcision, tries to convince his coreligionists that not every attack against circumcision is necessarily anti-Semitism. At the same time, he argues that it is preferable if the Jewish community addresses ritual circumcision internally. Those who are not Jews cannot know what it is like to be subject to the kinds of emotional stresses and cultural pressures that Jews must confront when considering the circumcision issue. In addition, like all cultural groups, Jews will be more likely to listen to other Jews than to outsiders. He adds that with circumcision of Jewish infants accounting for only about 4% of all American infant circumcisions, there are plenty of other Americans to educate⁵.

Fear of being accused of anti-Semitism drove the anti-circumcision movements in the United States to speak only about routine circumcision performed in hospitals after the birth for medical pretexts, and to not speak about religious circumcision. But this attitude poses a moral problem to these movements, because it means there is no need to protect the Jewish children. A result of this attitude is that some Jewish men feel not only victimized by their tradition, but also abandoned by those who object to circumcision. Such abandonment, understandably, seems to them a form of anti-Semitism⁶.

I asked Marilyn Milos, President of NOCIRC, if she fears to be accused of anti-Semitism because of her opposition to male circumcision. She answered:

Initially, I was called anti-Semitic for doing this work, although in those years I never mentioned religious circumcision. In 1987 or so, a Jewish lawyer in Florida wrote to me applauding my efforts on behalf of infants and children. Then he chastised me for not protecting the right of Muslim and Jewish boys to body integrity. He asked: "Are you anti-Semitic?" I am no longer reluctant to say that I do believe every child has an inalienable right to his/her own body!

¹ Pollack: *Redefining the sacred*, p. 171.

² Cutting edge, p. 2.

³ Comitato nazionale per la bioetica, p. 28 and 32.

⁴ www.aduc.it/nuovo/pagframe/motore.htm, under "circoncisione".

⁵ Goldman: *Circumcision the hidden trauma*, p. 220.

⁶ Boyd, p. 89-90.

An American physician describes the effect of the fear of the anti-Semitism accusation. He writes:

Because circumcision is a religious issue of primary importance in the Jewish and Islamic faith, many physicians are unwilling to confront the mutilative aspects of circumcision for fear of offending their Jewish or Islamic colleagues or, worse yet, of being labelled an "anti-Semite". This irrational fear of encroaching upon the sensitivities of Jews has extended to the United States Department of Health and Human Services. When asked what the agency could do to limit routine non-religious neonatal circumcision, the agency replied that "any attempt by any public agency to discourage non-medical circumcision could be misinterpreted as an attack on those religious groups which practice it", and "it is not proper for our Government to adopt a policy that is directly or indirectly critical of a religious practice"¹.

October 10, 1996, TV Ontario aired the movie *It's a Boy*, about a Jewish producer who tells the story of an unsuccessful circumcision of a Jewish child by a rabbi. This movie provoked a quick reaction from the Canadian Jewish convention that characterized it as "undulterated propaganda ... anti-Jewish and Anti-Muslim". The *Simon Wiesenthal Center for Holocaust Studies* in Toronto pointed out that "it was totally inappropriate for an educational, government-financed station to launch an attack on one of the oldest and holiest of Jewish and Muslim religious practices". The Canadian Jewish news supported these two critics, asserting that "TVO acted shamefully" and adding:

Whoever rails against the practice - secularist, humanist, atheist - does so in vain. Throughout history, many have travelled in this circle, most of them intent on causing harm to the Jews. But as history has proven, they can no more discredit the *brith milah*, than they can the rainbow, another of God's mysterious, millennial signs².

B) Reasons behind spreading of male circumcision by Jews

Jews contributed to the diffusion of circumcision among Christians and Muslims, as we saw in the religious debate. Romberg writes:

Circumcision's Biblical origins have caused it to be more readily accepted by non-Jewish people. If infant circumcision had not been a part of our Judeo-Christian heritage, it is highly doubtful that it would have ever been presented as a medical procedure. If suggested, the operation would have seemed strange and abhorrent.

Once the practice was established, it is certainly understandable that most Jewish physicians would be in favour of routine infant circumcision. The Jewish doctor has been likely to conclude: "God was right all along, and the medical profession just learned what our people knew for centuries"³.

Elsewhere, she writes: "If the Jews still circumcised their female infants, perhaps we too would be circumcising our baby girls"⁴. But she adds:

The Jewish practice of infant circumcision has been an indirect influence on the widespread medical fad. However, there has been no organized "Jewish conspiracy" to amputate the foreskins of the rest of America⁵.

Besides their historic influence, we have noted that Jews sustained male circumcision by the invention of medical devices to circumcise. They also contributed by immense produc-

¹ Van Howe: Why does neonatal circumcision persist, p. 114.

² Shame on TVO.

³ Romberg: Circumcision, p. 105.

⁴ Ibid., p. 17.

⁵ Ibid., p. 105. See also p. 50.

tion of medical literature in favour of male circumcision, presenting every time a new scientific justification, the last being the prevention of AIDS, as we saw in the medical debate. They have been helped in this by the great number of Jewish physicians and scientists, the media facilities they have to distribute information, and their access to financial means. They did not limit themselves to advocating for circumcision in the United States, but tried also to extol its introduction in Europe¹.

Their untiring support for the diffusion of male circumcision raised doubts about their real motives, especially because circumcision among them is a practice of religious order and a question of faith in a covenant between them and their God, and not in any way a medical question. One can distinguish four likely reasons behind the position of the Jews.

a) Protection of the faith of the community

The reformed German Jews in the 19th century, as we saw in the religious debate, tried to abolish circumcision to leave their ghetto. Quite rightly, the rabbis saw in this position a first step to destroy the Bible as revealed book and as the basis of their authority. That debate dimmed in the United States with the expansion of circumcision among Christians. In the face of the present anti-circumcision movement in the United States, the rabbis again fear they will be isolated if Christians begin to abandon the boat of circumcision. The risk of the debate of the reformed German Jews of the 19th century coming back on the stage is real. To avoid this situation, Jews endeavour that circumcision continues to be widely performed among Christians.

While insisting on the fact that there is no plot by Jews aiming to circumcise non-Jews, Romberg sees in the abandonment of circumcision by Christians a danger in the face of which she expresses a wish:

In the future, Jews may again be the only people to cut off infant foreskins. It is hoped that the rest of us will develop attitudes of tolerance and understanding for other peoples' religious beliefs and that anti-Semitic attitudes will not result. Certainly the anti-Semitism that prevailed in the past over circumcision was not out of concern for the feelings of tiny babies!!²

A rabbi writes:

The Jewish community must recognize that in time the constant attacks on routine circumcision may erode our people's loyalty even to *brith milah*. The false statements that are made in reputable periodicals may influence Jewish parents to the extent that they will deny their sons the right to be brought into the Covenant of Abraham. We dare not be silent, therefore, in the face of such persistent attacks³.

At the end of his book, he reports a Jewish physician's answers in favour of circumcision:

Thank you, Dr. Leiter, for providing the facts. The *Brith Milah Board* does not advocate routine circumcision of the newborn. This is a subject for the parents of the child and their paediatrician. We are certain of the safety, efficacy, and reliability of ritual circumcision, which is the cornerstone of the Jewish religion⁴.

The rabbi in question tries to separate between Jewish circumcision and the routine circumcision done by the non-Jewish. If attacks limit themselves to the routine circumcision,

¹ See Schoen: Is it time for Europe to reconsider newborn circumcision?; Schoen: Benefits of newborn circumcision: is Europe ignoring medical evidence?

² Romberg: Circumcision, p. 50.

³ Cohen: Guide, p. 133.

⁴ Ibid., p. 140.

he feels secure. But as he knows that complete separation between the two is impossible, he sees the necessity to enter in the scientific debate.

b) Proselytism

We already spoke of this point in the religious debate under the category *Who is Jewish*, to which we send back the reader¹.

c) Hiding

In the 3rd International Symposium on Circumcision held in Maryland in 1994, one participant told me that the German Jewish physicians who immigrated to the United States at the time of the Second World War contributed to the diffusion of male circumcision among non-Jews for a tactical reason. If many non-Jews are circumcised, it ceases to be easy to identify who is Jewish and who is not in the event that Jews are again persecuted. I heard similar argument from some Americans living in Switzerland.

Wallerstein indicates that such an argument exists among some Jews. He mentions in this respect Ms Helen Latner, journalist for *The Jewish Week*. On January 14, 1983, she had published a letter by Wallerstein in which he says: "To call everyone opposed to 'health' circumcision anti-Semitic beclouds the issue and is in error". Latner's response was: "How much more anti-Semitic can you get?" Wallerstein continues:

Gentile circumcision pleases Latner because, in the event of a new Holocaust, this lack of differentiation will offer some protection to Jews. She argues: "Seeking to end this welcome lack of difference is one more manifestation of the anti-Semitism tack in the argument against routine circumcision". For Jews to urge Gentile circumcision for the protection of Jews' identities is not only unconscionable and provocative but, in this area of electronic data banks, ludicrously ineffective.

Wallerstein adds that not all Jews accept Ms Latner's idea. He mentions a survey made in 1982 according to which Jewish physicians were less likely to recommend circumcision than their Protestant and Catholic colleagues².

d) Revenge.

Circumcision was the mark by which Jews were identified in Nazi Germany. In the United States, Jews participated in the circumcision of the non-Jewish. Some see in this attitude revenge against the non-Jewish. The persecuted tries to castigate his persecutor by marking him with the sign that this last considered as a shame. A physician writes:

The circumcised Jew is often represented as a mutilated person and this fantasy is repeatedly stated in the literature. An uncanny feeling is said to exist in some to whom a Jew is a reminder that one can be castrated. The unconscious fantasy develops that a mutilated people desire revenge and want to circumcise (castrate) the non-Jews³.

C) Jews in the struggle against female circumcision

We saw previously that Jews practiced female circumcision, probably contributed to its diffusion, and performed it on others. A Jewish physician, Rathmann, even invented in 1959 a device to do this operation. But Jews often keep silent in the face of these facts.

With the rise of the struggle against female circumcision, Jews participated in it. Some even drove this movement without wondering if they had the right to meddle in the practices of Africans while they refused in general to permit non-Jews to meddle in their own

¹ See part 2, chapter 1, section 4, sub-section 1.1.A.a.

² Wallerstein: *Circumcision and anti-semitism*, p. 45.

³ Quoted by Romberg: *Circumcision*, p. 49.

circumcision practice. These Jews separated carefully between the two practices, including as regards to terminology, in order to avoid a boomerang effect.

We note here the very important role of Edmond Kaiser, founder of *Terre des hommes* and *Sentinelles*. He started his campaign with a press conference held in Geneva, April 25, 1977, surrounded by physicians, researchers and activists¹. Edmond Kaiser was behind the 1983 decision of the Swiss academy of medical Sciences². Despite his great sensitivity to the pain of children, he refused definitely to criticize male circumcision. I had virulent exchanges with him through the press and in private letters because I continue to consider the fight against female circumcision hypocrisy if one does not associate to it the issue of male circumcision³.

Herta Haas of Jewish confession founded in Germany *Terre des femmes*, an organization similar to *Terre des homes* of Edmond Kaiser, with whom she was in contact. The struggle against female circumcision as performed in Africa is at the head of this organization's priorities. It has just published a compilation of German and African activists' texts on this topic⁴.

Fran Hosken, of Jewish confession and Austrian origin, living in the United States, is well-known as founder of *Women's international network news* and activist against female circumcision. She trivializes male circumcision in her famous book *The Hosken report: genital and sexual mutilation of females*.

In France, the Jewish lawyer of Egyptian origin, Linda Weil-Curiel, is engaged in the struggle against female circumcision. According to her own words, she contributed to the evolution of the judicial approach to the problem of the practice of excision by immigrants in France and "pled all resounding trials in France"⁵. This lawyer fights in the setting of the Commission for the abolition of sexual mutilation. She informed me in a telephone interview on June 1st, 1999 and by an e-mail of December 13, 2000 that she is opposed to male circumcision and that she never omitted to say so in interviews, but "journalists don't report the entirety of what I say". She is also ready to plead in trials against male circumcision if asked, but the opportunity has not presented itself. She reaffirmed her opposition to both male and female circumcision in the preface of the French version of the present book.

Besides the Jews who fight against female circumcision, there are Jews who overtly favour it for the same reason as male circumcision. This is notably the case with Tobie Nathan, Professor of clinic and pathological psychology in Paris, who says:

Some small African girls who live in France and are not excised present disciplinary problems. Now, only the ritual of the excision permits one to help them, to rebuild them. On the other hand, French law considers, recently, the excision to be a mutilation. The arguments advanced for this interpretation of the law are precisely the same as those applied in the Middle Ages against the circumcision of the Jew!

One considers that a newborn comes from another world, where it has been modelled by a divinity a little absent-minded. The finishing details being always deficient, incomplete, the education and the initiation aim, little by little, to perfect it, to finish it. Therefore the excision, for the same reason as the circumcision for men, is one of the

¹ The interventions are published in French and in English in: *Terre des hommes: Les mutilations sexuelles féminines infligées aux enfants*.

² See part 5, chapter 3.1.A.

³ See my letter in *Nouveau Quotidien*, 8.7.1997, and the answer of Edmond Kaiser, 18.7.1997.

⁴ Schnüll; *Terre des femmes: Weibliche Genitalverstümmelung*. On the objectives of this organization see the articles of Hass and of Richter.

⁵ www.iway.fr/femmes/english/conf/weillcuriel.html.

major rituals. Without this ritual, a woman is incomplete, she is a *bikoro*, a being sexually uncontrollable, still in wander. She looks for substitutes, like the first shoot of drug. Ethnopsychiatrists know very well that an excised girl never falls into these shortcomings. She doesn't need them. The excision is, in a way, a mechanism of mental prophylaxis, an extraordinary social profit.

To the question what measures he would take to encourage integration of immigrants in France, this Professor responds:

I would transfer the management of affairs concerning the family: the marriage, the initiation rituals, the religion, etc., to the different ethnic communities. The French law must admit several laws within its territory. In societies with strong emigration, in order not to force a person to abandon his cultural system, it is necessary to encourage ghettos!¹

Michel Erlich, a Jewish psychiatrist, who has published extensively on sexual mutilations, writes:

The intense negative publicity concerning female sexual mutilation during the last fifteen or so years has given rise to much public prejudice, and recently to suits before courts that are often humiliating for the accused cultures. In opposition of the silence of the colonial period, some passionate positions, marked by the ethnocentrism and racism expressed periodically on the topic, appear as exemplary demonstrations of the Western activism. To equate the ritual practices with simple torture by denying them all cultural character means to reject them as the same kind of barbarism as the male circumcision was considered to be until its medicalization in the last century².

It is clear concerning the position of these two Jewish psychiatrists that they defend male circumcision by taking a position in favour of female circumcision. They fear that the critique of this last touches eventually also the male circumcision that the Jews practice. Linda Weil-Curiel informed me that the Cardinal Jean-Marie Lustiger of Paris, who is of Jewish origin, and the great rabbi of France, Samuel Sirat, never took a position against female circumcision although they have been challenged to do. According to her, their silence is due to their fear that this affair will drive into the open debate about male circumcision.

2) Muslims, circumcision and political conflict

We find among Muslims a position similar to that of Jews, with regard to female and male circumcision. We limit ourselves here to examining the debate in Egypt.

A) Opposition to female circumcision and anti-Islam

Female circumcision was already known in ancient Egypt. But its file has not been examined in a disturbing manner before the last decade. No survey is dedicated to the historic evolution of the debate around this practice in Egypt. One does not find any mention of it in writings of Rifaah Al-Tahtawi (d. 1873) or of Qasim Amin (d. 1908) despite their great engagement in favour of the woman's liberation.

The oldest Egyptian text against female circumcision we have found is dated 1943. It is an article published by Dr. Usamah in the magazine *Al-Risalah*. He denies the link between

¹ Afrique Magazine, May 1999, in www.enfant.org/commu3.html. We have to notice here that African Magazine published in September 1999 a "mia culpa" because the journalist never met with Professor Nathan and wrote his article using a previous interview given by this Professor to Science et nature (February 1995), interview contested also by him. See against Nathan Tobie: Alain Policar: La dérive de l'ethnopsychiatrie, in Libération, 20.6.1997, in <http://www.libe.fr/quotidien/debats/juin97/policar.20.6.html>. And the answer of Tobie Nathan: Pas de psychiatrie hors les cultures, in Libération, 30.7.1997, in <http://www.ethnopsychiatrie.net/>.

² Erlich: Les mutilations sexuelles, p. 123-124.

this practice and Islam, by invoking the fact that many Muslim countries do not know it. He rejects the arguments of cleanliness, chastity and aesthetics. He indicates its dangers and considers it "a crime against the girl's body that no one has the right to commit". He asks to apply to this crime the existing norms relative to the exercise of the medical profession and to inform the public of its dangers¹. A certain Dassouki Ibrahim responded to him by mentioning Muhammad's narratives and classic jurists' opinions to prove that female circumcision is connected with Islam². The famous Sheik Abd-al-Al Al-Sa'idi intervened in the debate. He requested the physicians to arrive to a consensus in this domain, to which one will confront the position of the religion so that the interpretation "of the proof of the revelation corresponds to the proof of the reason"³.

In 1949, the Sheik Husayn Muhammad Makhluḥ issued a *fatwa* in which he affirmed that "the majority of scholars are of the opinion that female circumcision is not a duty and its abandonment is not a sin, and that male circumcision is a duty and it is the emblem of the Muslims and Abraham's religion"⁴.

In the appendix of May 1951, the magazine *Al-Doktor* published the point of view of physicians opposed to female circumcision. In reaction, the sheik Nassar published a *fatwa* in June 1951 in which he says that "female circumcision is a part of the emblem of Islam and it is mentioned in the prophetic sunnah". He rejected the opinions of physicians concerning its bad effects because these opinions "are neither certain nor proven, and therefore one cannot base himself on them to reject the circumcision in which the wise Legislator saw a wisdom"⁵. In June 1951, the magazine *Liwa al-islam* published opinions of the great religious scholars of Al-Azhar, including that of the sheik Shaltut where he says:

When it is proven by the precise research, and not by a temporary opinion given out to satisfy a particular tendency or to conform itself to traditions of given people, that a thing includes a damage for health or a depravity of the morals, it must be forbidden according to the religious law in order to avoid the damage or the depravity. And until this is proven concerning female circumcision, this practice will continue according to what people are accustomed in the light of the Islamic law and the knowledge of the religious scholars since the time of the prophecy [of Muhammad] until this day, i.e. that the circumcision is a *makrumah*, and not an obligation or sunnah⁶.

Dr. Nawal Al-Saadawi notes that in the 1960s she had raised the issue of female circumcision in the Health ministry but her colleagues and the government censorship forced her to keep silent⁷. The legislature intervened and promulgated the decree 74 of 1959 that forbids the practice of this operation in hospitals.

On occasion of the woman's year in 1979, the chairwoman of the Family Planning Society in Cairo received letters on behalf of Fran Hosken asking her to help protect the women of her country against female circumcision. The chairwoman thought at that time that this practice had ended with the aforementioned decree. But a survey demonstrated this was not the case. The society in question organized then a symposium the 14 and 15 October 1979 on this topic. After this symposium, the *Egyptian Society for the Prevention of Harmful Traditional Practices to Woman and Child* was formed. Marie Assaad presented in this symposium a survey on the extent of female circumcision in Egypt. She had become in-

¹ Usamah: *Khitan al-banat fi Masr*.

² Ibnrahim: *Khitan al-untha fi Al-Islam*.

³ Al-Sa'idi: *Bayn al-din wal-'ilm fi khitan al-inath*.

⁴ Makhluḥ, in Aldeeb: *Khitan*, vol. I, annex 3.

⁵ Nassar, in Aldeeb Abu-Sahlieh: *Khitan*, annexe 4.

⁶ Shaltut, in Aldeeb: *Khitan*, vol. I, annex 7.

⁷ Al-Saadawi: *Haqa'iq al-tib al-jadid*.

volved in this struggle after having participated in a symposium of the Woman's Committee in Geneva when she worked in the *Christian Girl Society*¹.

The debate around female circumcision in Egypt crossed a decisive stage in 1994 at the time of the international conference on population. On September 7, 1994, CNN distributed a movie of a girl's circumcision by a barber in a popular quarter of Cairo. This movie provoked a great agitation in both Egyptian and international public opinion. Many books and articles appeared in response, some in favour, and others against female circumcision.

In order to calm the storm, the Health minister promised to promulgate a law forbidding this practice. He visited the great sheik of Al-Azhar Jad-al-Haq to ask for his support. The sheik gave him a booklet distributed free as appendix to the October 1994 issue of the magazine Al-Azhar. The booklet contained a *fatwa* whose main elements had already been published in 1981. In this *fatwa*, the sheik affirms three times:

If a region stops, of common agreement, to practice male and female circumcision, the chief of the state declares war against that region because circumcision is a part of the rituals of Islam and its specificities. This means that male and female circumcisions are obligatory².

In the face of this intransigence, the Minister was obliged to give up the legal interdiction and issued a decree permitting this practice only in hospitals³. This provoked the anger of opponents to female circumcision on the internal and international level.

The legal developments that followed will be treated in the legal part of our text⁴. What interests us here is to know how fundamentalist Muslims saw the position of the opponents to circumcision in Egypt and in the West.

It is clear from the citation of the sheik Shaltut that he sees in the opposition to female circumcision a tendency to imitate or to satisfy foreigners. In 1988, Al-Sukkari wrote that if Muslims look today to suppress female circumcision, "it is because the West succeeded in imposing extensively their materialistic secular views on our sciences, our customs and our arts"⁵:

After the episode of CNN airing the movie in 1994, proponents of female circumcision began to speak openly of a Western plot. Even certain opponents expressed such a fear. Dr. Nawal Al-Saadawi denied any link between female circumcision and Islam, as a way to respond to those who tried to discredit the campaign against female circumcision by portraying it as an attack upon Islam and Muslims⁶. She also denied that this practice is Pharaonic or African. She argued that female circumcision has been performed everywhere in the world, including Europe and America, and that the practice had links with the system of slavery, independent of colour, religion or race. The assignment of this practice to Africa, says Al-Saadawi, derives from a racist concept that imagines that all the world's problems including AIDS originate in Africa, and from there they have infected the White race⁷.

Dr. Ramadan begins his book against female circumcision by asking his coreligionists "to put aside the sensitivity which accompanies the divergences in views, and the accusations of collaboration [with the enemy], of conspiracy against the family and of encouragement

¹ Mu'tamar al-sihhah al-injabiiyyah, p. 20 and 26.

² Aldeeb: Khitan, vol. I, annex 6.

³ Al-Nadim, p. 67.

⁴ See part 5, chapter 3.2.

⁵ Sukkari, p. 41. See also p. 5-6, 34.

⁶ See preface of my book Aldeeb: Khitan, vol. I, p. 11-16.

⁷ Al-Saadawi: Hawl risalat al-tabibah al-shabbah. See also Al-Saadawi: Maratan ukhrra.

of dissolute living. Our goal also is to protect the family and the woman and to refute false concepts in this domain"¹. This author adds that to speak of a plot is in itself a Western plot aiming to create internal divisions and marginal battles².

We do not wish to drown the reader in quotes by proponents of female circumcision. We limit ourselves to excerpts from two books. The first, published in 1995, is by a professor of the faculty of Muslim theology in Mansurah, Egypt. One reads in it:

This attack against the female circumcision [...] is undertaken by its adepts and its propagators, either because of ignorance or distraction like parrots, or because of bad intentions and hidden motives like foxes and wolves, or because of hostility and hate like collaborators and agents paid by traitors and enemies [...].

Their only worry is to satisfy their instincts and their passions. Their goal is to free themselves of all limits, morals, traditions and customs. They try to reverse our society according to their limping opinions, their black hearts and their sly mind, to make a society based on corruption, wantonness, atheism, anarchy and immorality³.

Another book, published in 2000 in Mecca, written by a Saudi sheik, says:

Those who hate Islam and its rituals launched a ferocious campaign against female circumcision. This campaign is fed by Christian spite, sustained by the crusaders' mass media and financed mainly by the American dollar [...]. Even worse is when some Muslim countries promulgate laws forbidding physicians and circumcisers to perform the female circumcision and applying sanctions against those who violate these laws [...]. By so doing, these States forbid what God permits. And that is where the danger resides [...]. However, one knows that, according to the Muslim religion, the interdiction or the permission belongs to God [...] and to no one else be he governed or governor, man or angel⁴.

To respond to this last criticism, we send back the reader to the religious debate in which we saw that female circumcision is contrary to the spirit of the Koran and that the narratives of Muhammad concerning it are contradictory and unreliable. As for the argument that the State does not have the right to forbid, this argument lacks proof. If we follow it, we should suppress red lights on roads that forbid the crossing since God had not foreseen automobile traffic control signals in the Koran or in the *sunnah* of Muhammad.

Benefiting from the position of Western governments and international organizations concerning the Egyptian ministerial decree that proposed to prohibit the practice of female circumcision in hospitals, proponents of this practice found there the proof so eagerly sought for the existence of a foreign plot. Muhammad Al-Hayawan published an article in *Al-Wafd* of October 5, 1997 following the annulment by a Cairo court of a ministerial decree forbidding female circumcision. He says there:

What is the interest of Europe and the United States in wishing to maintain our girls according to their desires uncircumcised? Even the United Nation Fund for the population [...] and the United Nations in Geneva [...] attacked the Egyptian justice and sustained the Egyptian health minister. Is this Minister working for those who sustain him and ask him not to respect the justice? The American Senate considered that the decision of the Egyptian court could result in the reduction of the American aid to Egypt.

¹ Ramadan, p. 5.

² Ibid., p. 37-38.

³ Al-Jamal, p. 7-8.

⁴ Al-Sharif, p. 5-6. See other attacks against the opponents in: Ibrahim: Al-khitan, p. 13-14; Mahmud: Hukm al-islam, p. 14-15 et 79-80; Ibrahim: Al-furqan, p. 5; Shawkat, p. 41-42.

We never knew that the Egyptian court could be influenced by the uproar caused by America. And we cannot imagine that Egypt can plan its moral policies in accordance with American instructions. We wonder urgently why America wants to forbid the circumcision of Egyptian girls. Is this because Israel wants it? Indeed, America takes a position for or against Egypt only after having consulted Israel¹.

Just as certain Jews attack movies that speak of male circumcision, some Muslim attack movies that speak of female circumcision. Thus, an Egyptian lawyer brought an action in Cairo against CNN asking for 500 million dollars as compensation for having defamed Islam and Egypt. But the court rejected his demand². In the same way the Mufti of Njame-na, capital of Chad, has issued a *fatwa* condemning to death Zara Yacoub for having produced a movie on female circumcision distributed by the national television of her country³.

B) Opposition to male circumcision and anti-religion

Female circumcision provoked more debate than male circumcision because the latter was little opposed. But we find critiques against those who dared to attack male circumcision.

Al-Qadiri sees in the position of one of his professors in the Faculty of Medicine of Damascus against male circumcision a "sly intention aiming to fight this ritual established by the religion"⁴.

We also noted that the Libyan judge Mustafa Kamal Al-Mahdawi was pursued for apostasy for having, among other things, rejected male circumcision. Some Saudi and Libyan religious authorities asked that he be put to death, if he did not retract, and to forbid his book. After a suit that lasted long years, in June 1999, the Libyan appeal court in Benghazi issued a contradictory decision, acquitting Al-Mahdawi of the apostasy accusation but forbidding the distribution and the reprinting of his book.

I published in Appendix 24 of my book in Arabic, a text by an Egyptian sheik who considers Western opponents of male circumcision to be atheists. He assumes that this opposition is "an insult to all prophets that performed circumcision: Muhammad, Jesus, Moses and Abraham". For this reason, opponents are "enemies of religions, mankind and God and are allies of the Devil". Although he recognizes that male circumcision is not obligatory in Islam, he argues that the will of opponents to forbid it aims to propagate atheism. Such prohibition is just a stage that will be followed by others affecting the essential religious dogmas⁵.

Even if one leaves aside the accusations of plots against religion, one notes that political considerations still play a role in the Muslim intellectual silence concerning male circumcision. In my discussions with a number of Muslims, very often they thought my fight against this practice is a waste of energy, or even collaboration with the enemy, in this period where the Arab and the Muslim countries are engaged in ferocious battles in the political and economic domains.

In fact, such an argument is heard every time that one raises social issues such as the rights of women, religious liberty, etc. Certainly the political and economic problems are important, but that is not reason to freeze all other fights. We recall here that the Algerian women participated in the war of liberation. After independence, they were obliged to

¹ Al-Wafd, 5.10.1997, p. 11.

² Akhbar al-yom, 6.9.1997.

³ Newsletter of the Inter-African committee, no 19, June 1996, p. 14; and no 18, December 1995, p. 12-13; Kalthegeener; Ruby: Zara Yacoub, p. 88

⁴ Al-Qadiri, p. 12.

⁵ Aldeeb: Khitan, vol. I, annex 24.

accept a family code that does not respect their rights. Political, or even economic liberation does not by itself solve all the problems.

3) Circumcision and colonial conflict

Jousseume, French physician in Apharras (present Djibouti), wrote at the end of the 19th century concerning the attitude one should adopt towards infibulation:

Is a European able to know the reasons and effects of infibulation, without going, in the countries where this operation is performed, to complete his instruction? The inverse would be preferable: first to see and thereafter to learn what to think and what to say about this practice. If one acted thus, one would soon perceive that the first social duty is to let to every people do what they believe is right, that the first duty of a nation that respects itself and wants to be respected, is not to offend others by ridiculing their customs¹.

Today, lawyers reproach France in the trials against Malians who circumcise their girls, because the French did not do anything during the colonial period. On the opposite side, opponents of female circumcision ask for more trials. Certainly, one cannot satisfy everybody. But one cannot understand an illogical attitude: to condemn African female circumcision and, in the same time, to close eyes on male circumcision, also performed by Africans, but tolerated in France for the simple fact that it is performed by the Jews.

Europeans did not always close their eyes concerning female circumcision during the colonial period, but their task was not comfortable: some reproached them for their laxity in not doing more and others reproached them for their imperialism in doing as much as they did. It is not possible here to recount the whole history of these two reproaches during the colonial period. We will here limit ourselves to presenting the Kenyan and Sudanese cases.

A) Colonial West and female circumcision

a) Kenya

Jomo Kenyatta, a proponent of the female circumcision, wrote:

The custom of clitoridectomy of girls ... has been strongly attacked by a number of influential European agencies—missionary, sentimental pro-African, government, educational and medical author².

The English campaign against female circumcision started in Kenya in 1906 under the aegis of the Mission of the Scottish church. In December 1913, female circumcision was discussed in the Conference of the Kikuyu Protestant Missions. There was a temptation then to do the operations in the mission's hospitals for hygienic reasons, in order to avoid too many complications. But the missionaries found the mutilations too repulsive, and campaigned directly against them.

Gradually a number of African Christians joined the opposition to ending excision. The Church of Scotland Mission increased the pressure in 1915 by a rule that if a boarder left school to undergo excision she would not return for at least eighteen months. This situation provoked the creation of national churches separated from the missionary churches.

At the same time, the Kikuyu were becoming increasingly active as a tribe in nationalist politics. The maintenance of female circumcision was one of its warhorses and benefited from Jomo Kenyatta's support. In 1926 a Conference of East African Governors decided that as the "custom was of very ancient origins" the people should be persuaded to abandon the most brutal forms: the clitoris only was to be excised. But in 1926 the right to bring

¹ Jousseume, tome II, p. 495-496.

² Kenyatta, p. 130.

legal action against enforced excision led to considerable opposition from the Kikuyu. Many Kikuyu associated Christianity and the campaign with imperialist control. In April 1929 the prosecution of two women for performing the major operation caused much indignation on both sides: on the one side on account of the prosecution and on the other side because of the mildness of the punishment.

The crisis deepened when Hilda Stumph, an elderly American missionary of the African Inland Mission, was brutally murdered in her isolated cottage in January 1930. Evidence was given that there had been an attempt either to circumcise or rape her. The Government feared extensive violence, and after 1930 the number of prosecutions lessened. Action could be taken if the girl's consent was not given or if excessive excision was proved. No further attempts were made to abolish excision until 1956-1958 when in Meru and Embu Districts by-laws were passed which had to be abandoned because of popular opposition¹.

b) Sudan

The campaign against female circumcision started in Sudan in 1921 on the initiative of an English woman who had directed the training school for midwives in Omdurman. The initial goal was not to abolish the practice, but to alleviate it by passing from the Pharaonic to the sunnah form, in order to reduce pains and dangers for the health of women. The woman in question tried to alert the English government on this practice in Sudan while it was dealing with the same problem in Kenya.

The English government feared reactions if it intervened in this domain that the population considered to be part of their religion. It sent a circular to persons responsible for districts so that they would understand this practice and try to influence the public without raising offense. It also consulted the Muslim religious authorities, who were divided on the matter. This situation pushed the English government to more precaution. It even refused the publication of an article against female circumcision written by a Sudanese in the *Hadara* newspaper in 1930 so as not to be accused of having suggested it.

On July 25, 1939, Dr. El-Sayed Abd-al-Hadi published in *El-Nil* an article against female circumcision saying that he considered it without religious basis and that it was not practiced in other Muslim countries. The Mufti of Sudan sustained him July 31, 1939 in the same newspaper:

Female circumcision is only desirable, i.e., not compulsory, and it consists of cutting off part of the clitoris. More than that is forbidden in view of the Um Atiyah report: "Circumcise but do not go too far, for thus it is better for appearance and gives more pleasure to the husband". This is the female circumcision which is desirable in Islam. Other forms such as that known among us as the Pharaonic are mutilations and mutilations are categorically forbidden.

In February 1944, the British authorities issued a law against female circumcision, but only with regard to the Pharaonic form. The law passed by the Sudanese parliament said:

- 1) Whoever voluntarily causes hurt to the external genital organs of a woman is said, save as thereafter excepted, to commit unlawful circumcision.
Exception: it is not an offence under this section merely to remove the free and projecting part of the clitoris.
- 2) Whoever commits unlawful circumcision shall be punished with imprisonment for a term which may extend to five years or with fine, or with both.

¹ For more details see Sanderson, p. 65-69; Kenyatta, p. 130-154.

Explanation: A woman can, by causing hurt to herself, commit an offence under this section.

Before the law entered in force, some hastened to circumcise their girls according to the Pharaonic form. Soon after the passing of the law the first arrest was made at Rufa'a. After Friday prayers Mahmud Muhammad Taha protested that the woman had been imprisoned for no reason, and that the congregation should release her, or they were not true believers. The congregation went from the mosque to the prison, broke down the door and rescued the woman. However, her brother, a corporal in the police, brought her back to prison. She was then taken to Wad Medani. The demonstrators then broke into the District Commissioner's office to protest. She was brought back and released. After this event, the government added a clause to the law, that no one could be prosecuted without the permission of the Governor of the province.

A few prosecutions were made. But public opinion at large did not support prosecution. Some Sudanese claimed that the law aimed at the destruction of their modesty code. Parents, therefore, continued to pay midwives to excise and infibulate, but the practices were kept very secret and only in cases of flagrant suffering was the matter brought to the notice of medical personnel. When in desperation mothers brought a very sick child to hospital parents refused to divulge the name of the midwife who had performed the mutilation. Midwives performed a legal sunnah circumcision if British officials were in the district but a Pharaonic afterwards on the same unfortunate child. There were 15 persecutions up to 1948.

During the 1950s as the Sudan approached its political independence (of 1956), political developments took place so rapidly that attention was distracted from this humanitarian work and campaigners for abolition were less active. Moreover the view that only the Sudanese themselves could effect reform deterred other would-be reformers from initiatives. Some doctors considered the problem of abolition to be only a medical one. Other well-wishers would be interfering unjustifiably. For example, on 7 July 1949, the Assistant Secretary of the British medical association had stated that no doubt the medical and religious bodies were well aware of the need to stamp out the custom, but that care should be taken that no public pronouncements should be made which would interfere with the efforts of the Medical profession in the Sudan.

A brief note about Mahmud Muhammad Taha. Civil engineer, he founded a progressive Islamic group called *The Republican Brothers*. The English authorities arrested him for having directed the demonstration to Rufa'a. He confessed that his involvement to this demonstration was not to sustain the female circumcision, but against the British authorities. But his action in this affair was singularly unfortunate for Sudanese girls. It made British authorities very cautious about prosecutions in rural areas; they thereby probably influenced successive independent Sudanese governments not to take more effective action against persons who mutilated girls. Lightfoot-Klein interviewed him. He described the philosophy of his group as total spiritual enlightenment for all members of Islam, regardless of sex. Once such enlightenment was attained, he was convinced that humanitarian social reform would follow¹. Taha was hung by the regime of Numeiri in 1985 at the instigation of Al-Azhar and the League of the Muslim world because of his special interpretation of the Koran and his refusal to apply the Islamic law².

¹ Lightfoot-Klein: Prisoners, p. 43.

² About this thinker see Aldeeb Abu-Sahlieh: Les musulmans, p. 30-31 and 214-215.

B) The postcolonial West and female circumcision

As we will see below, the Western countries and international organizations adopted progressively, after the end of colonialism, positions against female circumcision. What is the Africans' response to these measures?

a) Africans divided on Western intervention

In 1979, the Association of African women for research and development (Aaword) issued a statement on genital mutilation, which says:

In the last few years, Western public opinion has been shocked to find out that in the middle of the twentieth century thousands of women and children have been "savagely mutilated" because of "barbarous customs from another age". The good conscience of Western society has once again been shaken. Something must be done to help these people, to show public disapproval of such acts.

There have been press conferences, documentary films, headlines in the newspapers, information days, open letters, action groups -- all this to mobilize public opinion and put pressure on governments of the countries where genital mutilation is still practiced.

This new crusade of the West has been led out of the moral and cultural prejudices of Judeo-Christian Western society [...]. In trying to reach their own public, the new crusaders have fallen back on sensationalism, and have become insensitive to the dignity of the very women they want to "save". They have become totally unconscious of the latent racism, which such a campaign evokes in countries where ethnocentric prejudice is deep-rooted. And in their conviction that this is a "just cause", they have forgotten that these women from a different race and a different culture are also human beings, and that solidarity can only exist alongside self-affirmation and mutual respect.

The Association's statement indicates that this Western campaign produced three reactions in Africa:

- 1) A very conservative position. It stresses the right of cultural difference and the defence of traditional values and practices whose supposed aim is to protect and elevate women; this view denies Westerners the right to interfere in problems related to culture.
- 2) A position that, while condemning genital mutilation for health reasons, considers it premature to open the issue to public debate.
- 3) A position that concentrates on the aggressive nature of the campaign and considers that the fanaticism of the new crusaders only serves to draw attention away from the fundamental problems of the economic exploitation and oppression of developing countries, which contribute to the continuation of such practices¹.

In a letter dated of April 5, 1984 addressed to Edmond Kaiser, Abdou Diouf, president of Senegal, wrote,

Edmond Kaiser, founder of the movement *Sentinelles*, initiated a crusade against the sexual mutilations notably those that hit women. He presented himself to us not as the irreverent critic of our societies and our cultures, but like a man for whom nothing of what is human is foreign. It is in the name of ethics and universal values that he fights.

The deadly accidents following infibulations which came to public attention lately in Europe shook the public opinion vigorously.

¹ Giorgis, annex II, p. 57-58.

The female mutilations are a taboo. We have some scruple to speak about this subject, as if we were ashamed of ourselves, as if we were asked to rape our intimacy. And yet these practices are there, always there, challenging our human conscience.

But we shouldn't sin too quickly by condemning them as savage and bloodthirsty. It is necessary to avoid qualifying as barbaric what is only a feature of cultural difference. In the traditional Africa, the sexual mutilations are part of a coherent whole that has its values, its beliefs, its cultural behaviours and rituals. They were a necessary test in life because they accomplish the process of socialization of the child.

However if such practices today cause problems, it is because our societies are in deep mutation. They know new sociocultural dynamisms in which these practices don't have their place or appear rather as backward survivals. It is for that reason necessary to hasten their decay.

It is by education and not by anathema, it is from inside and not from outside that the main struggle will be done, from which I look forward to make the woman a free and disalienated person, a person in whom is embodied the respect of the eminent dignity of life. My conviction as a human being is that the woman's complete blossoming is essential to the life of the family and the society.

The beaming woman is the one who is rich in all her physical, cultural and spiritual resources. It is necessary to act therefore quickly and at the present time¹.

In a symposium held in 1984 in Senegal, Professor Paul Corr  a of the Faculty of Medicine of Dakar, said:

In the face of this wave of violent and uncontrollable reaction coming from the Western countries to denounce these mutilations inflicted to all these girls almost as soon as they leave the cradle, we are comforted certainly by this panhuman solidarity. But when we examine very precisely and objectively this phenomenon and its consequences, we yield quickly to the evidence that the ardour should be restrained to make it really efficient and to permit it to reach its objective of the total elimination of these mutilating practices, for two reasons:

- Africans still don't understand the Westerners who practice in their own countries all these mutilations which they label today as barbaric [...], rushing today a systematic denunciation campaign [toward Africans], susceptible to trigger among those who were predisposed the secretion of the famous venom of the cultural complex, and whose effects are quite unforeseeable. This situation highly embarrasses and irritates even the best wills that sustain in fact these humanitarian actions [...].
- The African, like all peoples of the world, likes to criticize gladly and even very sternly his country and his people, but tolerates with difficulty that others do it, especially in a moment where Africa tries to search its identity and to make up with itself [...].

We think therefore that, for comprehensible psychological reasons, the debate in this domain should leave to the Negro women to convince our populations².

In this same symposium, Mrs Ras-Work indicated the main principles aiming to foster a relation of harmonious work with the citizens of countries that practice female circumcision. These principles are:

¹ Les mutilations sexuelles f  minines et leur abolition.

² Corr  a, p. 67-68.

- The question of the excision is first of all a problem that concerns Africans and as such, the [African] national must take it in hand.
- Seeing the sensitivity of this question, to treat this problem outside of its cultural context in order to dramatize it in the West, creates resentments and conflicts.
- The consequences of the excision on health constitute a real preoccupation for a lot of humanitarian organizations¹.

To avoid burdening the reader, we will simply note before finishing that the Gambian President Jammeh announced in the beginning of 1999 that he would not ban female circumcision. He called the protesters campaigning against this practice enemies of Islam. He went on to say that those who preach against this practice, including the Islamic scholars, are trying to undermine and eventually destroy the religion. He says that because there are other health problems for women in Africa that are not being addressed, singling out female circumcision has an ulterior motive based on the interest of the West in this issue. He also described the media campaign as "propaganda, an embarrassment to our people". He states that "people against female circumcision are using terminologies such as mutilation. This is a lie and it is not happening here. During the next sitting, I have decided to introduce a bill to ban the media from such broadcasts because I am strongly against this unfair campaign and we must not allow it to continue".

The Gambia Committee on Traditional Practices responded to President Jammeh in a letter dated January 25, 1999 in which it said: "We would like to reiterate our commitment and dedication to protecting and advancing the cause of women and children of Gambia. You may ban our activities, but you cannot ban our convictions and love for our nation, which we feel are the necessary ingredients needed to advance our country"².

b) Conflicted Western attitudes on intervention in African affairs

There are here two problems:

- Do the Western countries have the right to ask the African countries to take measures against the practice of female circumcision?
- Do Africans have the right to practice female circumcision in the Western countries where they live? Can they ask the Western countries to violate their principles in the name of cultural difference?

As we will see in the legal debate, the Western countries have not failed to show their opposition to female circumcision wherever it happens. But this opposition remains more or less rhetoric. Certainly, there are Western economic pressures, but one knows that the African countries adopt laws to please the Western countries but these laws are almost never applied.

It is especially in their own territory that Western countries attempt to prevent such practices. Some feel that Western countries do not have a right to meddle in what Africans do in Africa, but that if Africans come in the West, they must submit to the Western norms. Even on this level, there is reticence in the Western countries to meddle in what Africans in their territory do inside their families. Indeed France is practically the only Western country to pursue female circumcision on its territory, although it does not have a special law in this domain, whereas other Western countries, that do have special laws forbidding expressly female circumcision, close their eyes to what Africans do with their daughters. Even in

¹ Ras-Work: L'excision: propositions d'éradication, p. 76.

² Newsletter of the Inter-African committee, no 25, July 1999, p. 13.

France, cases of pursuit are not numerous. Saurel reports a meaningful case in her book *Bouches cousues*, Sewn Mouths, the title of which recalls *Sewn women*:

Since 1974-1975, Mrs Simone Iff, as chairwoman of Family Planning, had been confronted with cases of excision. Courageously, she had alerted the authorities. One answered her that this problem only concerns immigrants, "our colonial past prohibiting us from asking questions on this topic". Saurel comments:

It is true... that our colonial past prohibits us from giving lessons. It doesn't take from us the right to intervene when it is about delictual or criminal facts that take place in France¹.

The official French position is firm in this area. In a booklet titled *We protect our small girls*, the French ministry of labour and social affairs says:

The fact that parents believe they are doing right in conforming to the tradition doesn't change anything concerning the penal qualification: the excision is in contradiction with French law because it mutilates the child's body. [...] In France the law protects all children who live on this territory whatever is their nationality. To accept that small girls from Africa be excised here introduces a discrimination between children according to their origin, which is absolutely contrary to the principle of equality of all before the law².

But Western activists refuse to limit themselves to their own countries in the field of the female circumcision. Fran Hosken writes:

To those who still claim that African customs must be protected and that it is racist to interfere by protecting African children from mutilation, let me ask: Would you have your daughter subjected to FGM? Real racism is to claim that a child because she is black or brown, should be forced to submit to this horrible torture with lifelong health damage and suffering, something you categorically reject for your own child³.

A German activist argues that female circumcision concerns women everywhere. As a woman, she feels concerned by this affair and feels the need to be interdependent with other women. Westerners who refuse to intervene must examine their real intentions. If it is the African women who ask us not to intervene, such a demand must be taken seriously. But today the number of African women victims of this practice that ask us to intervene is increasing. Therefore, one should not hide behind the excuse that Africans refuse our intervention⁴.

While some hesitate to make a distinction between what happens in the West and what happens in Africa due to fear of being accused of imperialism, some others try to justify such a distinction by social considerations. An Italian Professor who has extensively studied female circumcision in Somalia says that the Western countries must take the educational and punitive measures that they judge suitable to prevent the circumcision of girls on their territories. In these countries female circumcision takes place out of its African cultural context and prevents the integration of girls in their new milieu. As for the African countries, it would be necessary to allow them also the right to take measures that they judge suitable on their own territories. The female circumcision practiced in these countries is less harmful for the girl than when it is practiced in the West⁵.

¹ Saurel, p. 7.

² Nous protégeons nos petites filles.

³ Hosken: The Hosken report, p. 53.

⁴ Laufer, p. 108, 109.

⁵ Gallo: Edpidemiological, medical, p. 250.

C) The West and the double standards

The West criticizes female circumcision on the official, intellectual and media level. This practice is presented in a very unpleasant light, without distinguishing between its different forms. This practice appears then like a barbaric custom of primitive peoples of Africa who have been colonized by the West. It may look like the West wants to justify the colonization of Africa or to take revenge on Africa for having escaped Western domination.

Even though intentions may be good, at least among certain people, and even though we would like to retain from the critiques only their constructive aspects, one must admit that the West adopts disturbing double standards.

- Westerners attack female circumcision as practiced in Africa and omit to raise the issue that it has been practiced and continues to be practiced in the West, sometimes under pretext of aesthetics. Rarely do the Western media report on this reality.
- Westerners often keep silent concerning unjustified mutilations which victimize Western women: Caesarean operations, ablation of the breast, etc.
- Westerners only speak of female circumcision as practiced in Africa. They rarely raise the fact that non-African countries also practice female circumcision: Oman, Bahrain, Indonesia, Pakistan, India and some countries of Central and South America. There are no studies on these countries. When I visited Oman in September 1999, I met the chairwoman of the Omani Women's Association and several responsible in ministries, including the Health ministry. I learned there that probably 90% of Omani women are circumcised. No campaign has been undertaken against this practice in this country despite the fact that the UN and WHO ask all countries to eradicate it. The chairwoman of the Omani women's association told me that female circumcision does not create any problem, no one in Oman asks for its abolition, and she has no intention to undertake a campaign against it. When I asked her if she had heard about the position of the WHO and other organizations opposed to female circumcision in Egypt, she responded that their position is political and has political objectives. As Oman is not implicated politically, female circumcision in this country is not raised as an issue on the international level.
- The West refuses to discuss male circumcision, at least on the official level. An American physician criticizes this attitude in his preface to Rosemary Romberg's book:
There has been, recently, a large international survey conducted by the WHO regarding what takes place, in Africa, with young women at the stage of puberty. The public opinion was stunned and revolted upon learning the tortures and mutilations (removal of clitoris and so on) inflicted. The practice of [male] circumcision is of exactly the same nature and level. And we call ourselves "rational and developed"! At least these young women are conscious and they are told that it is a sort of test, an act of courage. Although, in fact, it is meant to make them submissive to men and insure that they will never challenge man's power. But there is no such consciousness in the newborn. Their torture is experienced in a state of total helplessness which makes it even more frightening and unbearable. Yes, it is high time that such a barbaric practice comes to an end¹.

An American, Dennis Niswander, writes on this subject:

Male genital mutilation in America is an atrocity rendered invisible due to its universality and due to the supporting myths blinding the victims and aggressors alike. If Americans agree that female genital mutilation in Africa constitutes a human rights violation,

¹ Romberg: Circumcision, p. VII.

then male genital mutilation in the U.S. must also be a human rights violation - unless one is prepared to argue that African girls have a basic human right to physical integrity and self-determination but American boys do not¹.

Dr. Gérard Zwang says in this respect:

[Western] resignation in the face of ritual male circumcision is one of the reasons that induces traditionalist Africans not to heed contradictory warnings, which seem to be just more examples of the incomprehensible ways of white folks. For these groups, to cut boys and to cut girls has the same goal: to correct and perfect human anatomy. It seems inconsistent to them to be obliged to leave girls in their native state, while still being permitted to correct boys. We will never be able to completely eradicate clitoridectomy of little girls while we still allow boys to be cut. The movement against female sexual mutilation must begin with the eradication of ritual or routine male circumcision in our own countries. This is a difficult struggle, one that is contrary to many prejudices, many habits, and, indeed, one that must confront many organized lobbies, such as the circumcision lobby in the United States. This is not, however, a reason to be discouraged².

4) Circumcision and feminist conflict

Marx and his disciples interpreted history as being a struggle not between religions or races, but between the class of producers and the class of the exploited workers. They propose socialism as the solution to this struggle. The feminist movements modified this theory, arguing that the true struggle is the one that takes place between sexes. Above religion and race, men are in struggle against women, a struggle that should be solved through the system of the involvement of the two sexes. Female sexual mutilation being an aspect of this struggle, its abolition requires the solidarity of all women, whatever is their religion or race. Benoîte Groult writes in this regard:

The last colony of the modern world will get the respect of its rights only if women discover their interdependence. The interdependence of the millions of women excised, sewn, veiled, repudiated, sequestered, prostituted or sold through the world. The consciousness that every exploited woman, mutilated or submitted, even if she lives 10,000 kilometres far away, submits and mutilates all other women³.

Relevant here is the view of Fran Hosken, an activist who is an authority on female circumcision, notably thanks to her important book *The Hosken report: genital and sexual mutilation of females*.

Hosken argues that "it is men who are collectively and individually responsible for the continuation of the practice of female genital mutilation"⁴. It is men who dominate in the society, on all levels: the family, the government and the international organizations. Even justice is in their hand and serves their interests. When the courts take decisions concerning female circumcision, as is the case in France, they most often condemn women, and not men⁵. Hosken directs her anger against the African and Middle-Eastern men for whom

the purpose of a woman is to serve her husband and master. If she does not please him, she can be instantly divorced. FGM assures the superiority of men. In turn, to assure

¹ Niswander: Silence = Mutilation, in <http://www.noharmm.org/silence.htm>.

² Zwang: Functional and erotic consequences, p. 75. See also from the same author: La circoncision démythifiée, in <http://www.enfant.org/>

³ Groult, preface of the book of Thiam, p. VIII.

⁴ Hosken: The Hosken report, p. 316.

⁵ Ibid., p. 302.

that the practice continues, an astonishing proliferation of myths, irrational beliefs, stories and justifications of why FGM is necessary are circulated¹.

Hosken accuses the UN whose agencies all follow the same line: to "preserve the patriarchal system and power structure. Therefore, they discourage all investigations into and publications on FGM"². The UN does not have a policy concerning equality of treatment between men and women. And as long as women do not have the equal opportunity to make decisions as the men, they will not be included in programs of health development. To remedy this situation, Hosken asks her country, the United States, to implement in the various organizations of the UN a policy of equal employment of women as well as commitment to the struggle against female circumcision³. According to Hosken, women hold only 3.4% of decision-making jobs at the UN and its agencies. Consequently the UN and all its agencies, including those working in Africa, are bastions of male privilege and grossly discriminate against women working in their offices. Many of the men are citizens of developing countries. They obviously never speak for women's rights, as this would undermine their own privileges at home where their women are still under absolute male control. All these international civil servants are supporting female circumcision by their silence in solidarity with the African and Middle Eastern men⁴.

Hosken says that if female circumcision continues, it is for only one reason: because men support it, men demand it or men tolerate it. If they did not, it would vanish all over the world. But as men refuse to take definitive action to abolish female circumcision, Hosken says that it is necessary to strengthen African women and provide them with all the resources and the education they need to gain economic independence so that they can reject FGM, refuse male domination and punish male violence⁵.

These Western feminist positions find echo among certain African women. The Somalian Waris Dirie writes in a sarcastic tone:

These tribal wars, like the practice of circumcision, are brought about by the ego, selfishness, and aggression of men. I hate to say that, but it's true... And if we chopped off their private parts, and turned them loose to run around and either bleed to death or survive, maybe they could understand for the first time what they're doing to their women⁶.

But she adds so as to absolve her parents:

In spite of my anger over what has been done to me, I don't blame my parents. I love my mother and father. My mother had no say-so in my circumcision, because as a woman she is powerless to make decisions. She was simply doing to me what had been done to her, and what had been done to her mother, and her mother's mother. And my father was completely ignorant of the suffering he was inflicting on me; he knew that in our Somalian society, if he wanted his daughter to marry, she must be circumcised or no man would have her. My parents were both victims of their own upbringing, cultural practices that have continued unchanged for thousands of years⁷.

Let us also note that some feminists accuse men of doing male circumcision for the purpose of dominating the women, separating them of their children, and impeding them from protecting them. This accusation taps the Bible itself. Miriam Pollack notes that the God of

¹ Ibid., p. 326.

² Ibid., p. 336.

³ Ibid., p. 354.

⁴ Ibid., p. 318.

⁵ Ibid., p. 54.

⁶ Dirie, p. 237.

⁷ Ibid., p. 238.

the Bible ordered Abraham to circumcise his son without addressing himself to Sarah. He acted as if Isaac was only Abraham's son. Neither did Abraham consult Sarah before circumcising his son. It is men - and not women or children - who decided what is sacred and what is not. It is necessary therefore that the women now intervene to redefine what is sacred. And they know that taking the knife to mutilate their sons' genitals is not a sacred thing¹.

Chapter 10.

Psychological and social effects of circumcision

Imagine that you are resting or sleeping comfortably among those you love. Suddenly some strange people enter the room and proceed to pick you up to carry you away. You protest and struggle, but they are stronger than you are. They take you to another room where they remove your clothes and strap you down on your back on a table. You try to free yourself, but the only part of your body that you can move is your head. Then a man enters, and after seeing that you are secure, he picks up a knife and starts to cut off a piece of skin from your genitals. The procedure lasts for about fifteen minutes. At that time, you discover that those you love are accomplices of your aggressors. What will be then your reaction? The question now is whether there is a difference between your reaction as adult and the reaction of a child who is mutilated in this way?

We saw above the effects of circumcision on sexual intercourse and on marriage. We will treat in this chapter the effects of the trauma of the circumcision on the child, on his rapport with his parents and with the society. We enter here the domain of psychology, a domain constructed on complex concepts difficult to understand by non-specialists, but that nevertheless we cannot disregard. We take into consideration here the principle that it is better to know a thing than to ignore it.

1) Circumcision trauma and the child

A) Denial of circumcision trauma

In an interview with Rosemary Romberg, the rabbi and *mohel* F. S. Gartner denies that male circumcision has traumatic effects on the child. He says:

There is no proof that such things really affect the future of the babies. They forget it, just like the bleeding stops. I don't believe it. You are entitled to your opinion and so am I. Psychiatrists ... what would they have to do if they wouldn't bother with such things? They would be just standing idly around. You also give the baby a little slap when it is born, but I don't think that causes any trauma².

Ombolo, an African author, writes in the same sense:

Neither physiologically, nor socially, nor psychologically, has circumcision ever had any unfavourable consequences [...]. The only problem to consider would be the great physical pain in the operation and its risks of psychological traumatism. But to say the truth, this idea is rather a view of the mind. This pain is not lived by individuals like an injustice or like a test arbitrarily or gratuitously imposed. All males of the society pass by there and it is the only way that leads to a full social existence; in what it has as requiring courage and strength, the circumcision is rather a way of pedagogy of the pain³.

¹ Pollack: Circumcision: a jewish feminist perspective, p. 185; Pollack: Redefining the sacred, p. 163-173.

² Romberg: Circumcision, p. 69.

³ Ombolo, p. 153-154.

Jenny Goodman, a Jewish British psychiatrist opposed to male circumcision, does not speak of traumatism of the circumcision for an educational reason. She writes:

I don't talk much about the psychological trauma, the unconscious scars that undoubtedly remain in the adult man. This is because the concept of unconscious memory still does not have wide currency in Britain outside of particular intellectual circles. Unlike on the East and West Coasts of the USA, the culture of psychotherapy has not yet permeated the culture at large, as one is open to ridicule, and to demands for scientific proof; which are as inappropriate in the realm of the psyche (soul) as mathematical equations are in the understanding of poetry. However, I find that the ethical argument is easily strong enough to stand alone; the infliction of pain and damage on a helpless child is absolutely wrong even if there were no memory, no residue, no consequences¹.

To know if circumcision has trauma effect on the child, it is necessary to determine if the child has memory of what happens to him in general. One distinguishes in this respect between conscious memory and unconscious memory. One notices that unconscious memory has been discovered at monkeys, rats, birds, snails and butterflies².

One field, which has been studied extensively, is the trauma provoked by complications that take place at the time of the birth. The following effects of these complications on the life of adults have been observed:

Birth experience	adult tendencies
Forceps delivery	dependency, headaches
Delayed birth	impatience, feeling trapped
Cesarean birth	undefined boundaries, learning difficulties
Premature birth	resisting change, clinging
Suffocation	asthma
Major trauma	suicide, death anxiety ³

B) Male circumcision trauma

If nowadays it is admitted that the experience of birth has effects on adult life, we cannot deny that circumcision, which often takes place shortly after the birth, also can have effects.

Already in 1945, Dr. David Levy had warned against the trauma caused by surgical operations on children, including circumcision. He discovered that the younger the child, the keener was its response to pain and that, for them, the operative experience is more acute in every phase and is a raw and brutal experience. He records a case involving the circumcision of a boy of six years and seven months. The patient struggled with his father and the anaesthetist before they overpowered him. After the operation, the boy's previous temper developed into destructive rages. He played numerous killing games, developed claustrophobia, destructive behaviour and occasional suicidal impulses. In still another case, a boy had been brought to him at the age of three years and seven months. He suffered from temper tantrums, fears, restless behaviour and night terrors. These symptoms began immediately after the boy had been circumcised at the age of one year⁴. Joseph Lewis, in 1949, confirms the psychological effects of circumcision on children. He writes:

¹ Goodman: Open letter, p. 8.

² Goldman: Circumcision the hidden trauma, p. 86-87.

³ Ibid., p. 89-94. See also Miller, p. 28.

⁴ Levy: Psychological trauma of operations in children.

Does anyone think for a moment that a newborn babe, suddenly being pounced upon by a man with a knife, his flesh cut and torn in the tenderest part of his body, suffers no psychological reaction to this shocking brutality? [...] The shock of circumcision is the cause of some of these "delayed action mines" which so adversely affect the child's nervous system and hamper its normal development¹.

Dr. Gérard Zwang writes:

A certain number of mutilated children will develop a real phobia for pain. They cannot tolerate the least amount of pain, such as that experienced during medical examinations and vaccination, without suffering panic attacks or hysteria².

Testimonies prove that circumcision leaves traces in the subconscious. Men under hypnosis report details of the circumcision that they had undergone after their birth, and the pain that they endured. They express their anger then, their will to take vengeance and to destroy those who participated in their mutilation. Psychologist John Breeding recounts his personal therapy session during which he reexperienced his circumcision:

The emotional experience ... was horrible. I felt overwhelming fear, sweating and shaking for long periods. Intense rage also came up at times. I wanted to protect myself, but I couldn't ... I felt ... terribly sad, engulfed in grief, despair and helplessness. I released emotionally for well over an hour and was finally spent, sad³.

Two reports have studied circumcision as practiced without anaesthesia on children in Turkey. In the first report, testing subjects between four and seven years old shortly before and after the ritual yielded this result: "Circumcision is perceived by the child as an aggressive attack upon his body, which damaged, mutilated and, in some cases, totally destroyed him". According to this study, circumcision resulted in increased aggressiveness and weakened the ego, causing withdrawal and reduced functioning and adaptation.

In the second study, children were observed to be "terribly frightened" during the procedure, and "each child looked at his penis immediately after the circumcision as if to make sure that all was not cut off". One eight-year-old boy fell "unconscious" during the cutting and subsequently developed a stuttering problem. A few weeks after the circumcision, parents being interviewed reported that their child exhibited increased aggressive behaviour and experienced nightmares. In the same report, adults were interviewed and recalled castration anxiety and other serious fears connected with their childhood circumcision; particularly if they had been deceived or forced by parents to undergo the procedure, they felt it was a substitute for castration⁴.

Michel Erlich, a Jewish psychiatrist, notes that tonsillectomy performed in childhood leaves some psychological effects on the child. Strangely, when he speaks of circumcision, he says that it "doesn't include in its neonatal version, traumatic feeling comparable to the previous operations"⁵.

Bettelheim considers that circumcision on newborns has more negative psychological effects than when it is done on a more mature person. In this last case, the child

knows much more and better about life, about his parents and their intentions. Hence it should appear far less threatening and the men who impose it less formidable. Among some tribes it is also clearly recognized that unless the boy understands the positive

¹ Lewis, p. 109.

² Zwang: Functional and erotic consequences, p. 73.

³ Goldman: Circumcision the hidden trauma, p. 94-97; See also Romberg: Circumcision, p. 82.

⁴ Goldman: Circumcision the hidden trauma, p. 100.

⁵ Erlich: La mutilation, p. 135, 137.

purposes of circumcision he is too young for the ceremony. One is tempted to add: because it might lead to castration anxiety rather than sexual freedom.

Bettelheim compares circumcision to aesthetic operation that may be potentially as painful as circumcision, but the girl may make little of the physical pain in view of the pleasure she hopes will result¹.

One of the effects of circumcision is to avoid thinking or speaking about it. Men who contact an anti-circumcision organization even avoid using the word *circumcision* on the envelope or in their phone calls. An opponent that had put on his car a sticker "Stop infant circumcision" noticed that no cars in his lane beyond the gap would approach his car from the rear. A few shifted to another lane. Some circumcised persons become hysterical when they are given articles and books on circumcision to look at. Others avoid looking at knives or scissors that recall for them their circumcision².

Some estimate that circumcision has neurological effects. To preserve a semblance of attachment to the mother, a child who has suffered trauma alters reality and believes that the trauma never happened. In altering reality, the child is also altered. Based on neurological research, painful experience and trauma in childhood can result in long-term physiological changes in the central nervous system and neurochemical changes. Two brain-imaging studies of adults with histories of child sexual abuse reported reduced size of the hippocampus, a part of the brain associated with memory, and in a test of verbal short-term memory, adults who had been abused had lower scores. James Prescott, a developmental neuropsychologist and former administrator for the *National Institutes of Health*, maintains that circumcision affects brain development³.

C) Female circumcision trauma

The writings of Muslim opponents to female circumcision indicate its disastrous psychological effects⁴. But these writings are silent on the psychological effects of male circumcision. Proponents of female circumcision reproach them for this inconsistency, mentioning Joseph Lewis, whose book is available in abridged Arabic translation⁵.

Female circumcision is often performed between 5 and 15 years, at an age where the girl can understand the operation. This age, as per Bettelheim⁶, could be an advantage in relation to a younger age, especially in a society that considers female circumcision a means of social integration that enables the girl to avoid mockeries from her colleagues. Much depends therefore on the manner in which the society conceives circumcision⁷.

Lantier says with regard to the Somalian society that practices Pharaonic circumcision:

Not only in the fanatic surroundings, the thus treated women never endure a psychosis; they are even unaware of any anguish and consider themselves happy. On the other hand, the women who are less attached to the ancient Somali customs, and who see themselves as morally obligated to undergo the traditional fate, easily fall prey to depression and sink in apathy and sadness.

He adds:

¹ Bettelheim, p. 75-76.

² Goldman: Circumcision the hidden trauma, p. 117-119.

³ Ibid., p. 110.

⁴ Baasher, p. 80-83; Rizq, p. 32; Abd-al-Fattah, p. 69-70; Fayyad, p. 31-32; Abd-al-Salam; Hilmi, p. 78.

⁵ Taha: Khitan al-inath, p. 81-82.

⁶ Bettelheim, p. 76.

⁷ Toubia; Izett: Female genital mutilation: an overview, p. 31-32.

In magico-sexual societies in which tradition and faith are still strong, the sterner are the constraint and the sexual repression, the less important are the individual anguishes, neuroses and psychoses. Again it is necessary that the group is without self-doubts, and that those who are part of it do not see themselves as submitting to or undergoing a constraint and repression, but rather they respect the principles, they want a rigorous application and they desire all the consequences.

In the magico-sexual societies where the population has lost the faith in its traditions and doubts the holy character of its customs, immense moral disarray prevails; such a people loses the joy of life and is in despair¹.

Lightfoot-Klein makes observations concerning Sudan that are consistent with those of Lantier:

Very early in life, [the girl] learns about circumcision, which she comes to realize will be the rite of passage that will make her ready to marry [...]. Her infibulated virginity will cause her to have high value in the eyes of her future husband, and will be a source of pride to her. It will bring honour to her family, to her husband, and to herself [...]. Yet there are feminists in Sudan who condemn the practice as "sexual mutilation", and view it as a cruel means of female suppression by men².

And elsewhere, she writes:

Girls tend to look forward to their circumcision with a mixture of dread and eagerness. It is not uncommon for them to manifest severe anxiety and a generalized phobic reaction as the time approaches. They become afraid of being touched, of knives, of social gatherings, of going to sleep. This is occasioned by the fact that by the time their turn comes, they have experienced at a distance, if not actually seen the circumcision of other girls, have heard the frantic screams, quite possibly have seen the blood of their predecessors. Still, the day of circumcision is considered to be the most important day of a girl's life³.

2) Circumcision and relations with parents

Both man and animal need tenderness as much as food, tenderness that starts with the mother, creating an attachment between herself and her child. This bond influences the child's physical and psychological health and reverberates on his behaviours during all his life.

Circumcision influences the relation between mother and child beginning in pregnancy, especially if the mother is in conflict with the father on this topic. Goldman reports that a midwife was attending a very difficult home birth. The baby would not descend. The midwife understood that this couple had not resolved their decision whether to circumcise their baby or not. The Jewish father wanted the boy circumcised. The mother, also Jewish, wanted to protect her baby. So the midwife whispered to the husband: "Tell her you changed your mind. We won't circumcise the baby". He did. The baby descended. The birth was spontaneous. He is an intact son⁴.

Circumcision disrupts the relation between the child and his mother. When the operation takes place in the hospital after the birth, the child is taken from his mother and transferred in another room to be mutilated before being returned back to her. The stress and the suffering may contribute to the failure of an infant to breast-feed. Sometimes the child refuses

¹ Lantier, p. 281.

² Lightfoot-Klein: Prisoners, p. 70-71.

³ Ibid., p. 72-73.

⁴ Goldman: Circumcision the hidden trauma, p. 127-128.

his mother. The child's extended crying may exceed the tolerance level of the mother and cause her response tendency to change from empathetic to defensively egotistic. She may become more interested in relieving her own distress from hearing the crying than in relieving the distress of her infant. All this creates a tension between the mother and the child. The child feels that his mother has betrayed him and that she is responsible of what was done to him. He loses trust in his mother. In extreme cases, the child's ensuing lack of proper responsiveness has been associated with parental problems such as child abuse and developmental problems in the child. When a young boy is circumcised, he adopts an aggressive attitude to his mother¹.

Several mothers testified their feelings concerning the circumcision of their children. Some consider their son's circumcision as the worst day of their life. A woman declared that she still hears her son's screams 22 years after his circumcision and will go to her grave hearing that horrible wail and feeling somewhat responsible. Some Jewish women pray that their child be a girl so they do not have to circumcise it. Others felt so traumatized that they chose to have no more children, although deeply wanting them².

To heal relations between adult children and their parents, opponents to circumcision suggest that parents start a dialogue and express themselves. But this attitude requests courage on behalf of the parents who, by so doing, recognize they have committed a mistake. In the same way it requests courage on behalf of the children because it means that they are reached in their virility. We would have liked to give testimonies here, but the space does not permit it and we do not want to give to the reader the impression that we try to convince him by sentimentalism. Interested readers can refer to the quoted works in the footnote³.

We find the same problems with female circumcision. One of its disastrous effects is deterioration of the relation between the girl and her parents. The girl has the feeling that these last betrayed her⁴. Dr. Adil Sadiq, an Egyptian professor of psychiatry, reports the case of a woman repudiated by her husband because she didn't enjoy with him. She then directed her aggressiveness against her father considering him responsible of the failure of her marital life for having insisted on her circumcision during her childhood⁵.

3) Circumcision and relations with society

Everything that affects us psychologically effects our relations with our society. Circumcision, as a traumatic operation, necessarily has social effects, effects that are rarely studied because of the sensitivity of the topic. We are here in a place mined by sexual, religious and political taboo. But examining these things can bring us to understand better the behaviour of children and adults⁶.

A) One only gives what one possesses

Studies made on monkeys demonstrate that Rhesus monkeys separated from their mothers immediately after birth and raised with a warmed soft cloth dummy *mother* develop a host of emotional disorders, but not nearly as many disorders as similar baby monkeys raised with a cold metal wire dummy. Infant monkeys raised without their mother, or without sensory stimulus turn out to be themselves rather cold and abusive parents. Mother mon-

¹ Ibid., p. 124-133.

² Ibid., p. 133-138; Goodman: Jewish circumcision, p. 23.

³ Ritter; Romberg: Circumcision the painful dilemma; Bigelow: The joy.

⁴ Abd-al-Fattah, p. 69-70; Al-mumarasat al-taqlidiyyah, p. 21.

⁵ Salim: Dalil al-hayran, p. 53.

⁶ Goldman: The psychological impact, p. 99.

keys, who were themselves raised without a mother, are unmoved by the cries of their own offspring, refusing to pick them up and comfort them.

This same phenomenon can be observed with humans. One who endures deprivation tries to deprive others of his affection. One who has been abused becomes an anguished person on the sexual level and deprives others of sexual pleasure. Parents and clergy who look for justifications to oppress children are in fact camouflaging the deprivation they had endured. One observes that parents who beat their children were beaten by their own parents, and their children will beat their children in their turn. It doesn't necessarily mean that every beaten child will be violent, because a child can compensate the lack of affection and pleasure when he becomes adult¹. Alice Miller is known for her positions in this domain. She writes:

A human being born into a cold, indifferent world will regard his situation as the only possible one. ... We have statistics showing clear connections between early neglect and abuse and subsequent adult violence. Many people still have no idea that they are placing dynamite in our world when they abuse their children physically or even only psychologically².

Miller estimates that 100% of inmates in American prisons had been abused as children³. She adds: "It is up to us adults, depending on how we treat our newborn infants, either to turn them into future monsters or to allow them to grow up into feeling, and hence responsible, human beings"⁴.

What has just been said applies to circumcision also. By provoking psychological unrests and breaking the mother-child relation, it influences the relations between men and women and their relations with their society. Circumcision is obviously not the only factor that influences a society, but it would be false to neglect this factor⁵.

We present briefly here probable effects of male circumcision on society, referring especially to a book and an article by the American psychologist Ronald Goldman, of Jewish confession. Rare indeed are authors who have treated this very sensitive domain.

B) Regression of self-esteem

As circumcised men learn that the foreskin is a vital part of their sexual anatomy, they may view themselves unfavourably compared to intact men. Males who compare themselves unfavourably with others of their group feel lower self-esteem. In addition, the male focus on sexual performance has a lot to do with male self-esteem. Low self-esteem has personal and social consequences. Those with low self-esteem generally have a low opinion of others. Low-esteem is also associated with relationship dissatisfaction, poorer general health, high conformity, depression, drug use, and loneliness. This can lead the man to resort to sexual intercourse with minors to affirm his domination, a phenomenon well known in the United States and in the Muslim world⁶.

C) Mutilation of others

Some wonder how often paediatricians and urologists chose this profession in the United States to be able to inflict on children what they underwent themselves. In an article titled *Tyranny of the victims*, Denniston reports the following case:

¹ DeMeo: Saharasia, p. 37-40.

² Miller, p. 2-4.

³ Ibid., p. 27.

⁴ Ibid., p. 9.

⁵ Goldman: Circumcision the hidden trauma, p. 139-141.

⁶ Ibid., p. 141-143.

A few years ago, the night nurse on duty in an American hospital telephoned a senior resident in the middle of the night. She said to him in alarm: "You had better come down to the nursery right now. One of the interns is circumcising babies". When he arrived on the floor, he found the intern circumcising a newborn infant. The resident said: "Don't you think that, before you perform circumcisions, you had better get some training? Aren't you concerned that you might be removing too much skin?" The intern looked at him, and replied: "No more than they took off me".

And Denniston comments:

Sadly this young man had failed to recover from his own trauma. Like many victims, he did not realize that, since the trauma of circumcision should not have been inflicted on him, he certainly should not be inflicting circumcision on other human beings.

Denniston argues that the American victim tyranny had the effect of Americans spreading circumcision out of the United States, notably in South Korea¹, as we noted before.

Ronald Goldman indicates that despite the harmful effects of circumcision, it is difficult for its advocates to change because of powerful psychological factors. Behavioural re-enactment of the trauma is a compulsion of some trauma victims. Circumcision of infants may be regarded as an example of re-enacting the trauma of one's own circumcision. A survey of randomly selected primary care physicians showed that circumcision was more often supported by doctors who were older, male and circumcised².

Goldman links male circumcision with a rise in the rate of medically unnecessary operations on women in the United States. If men are in favour of female circumcision, it is to deprive women of the sexual pleasure of which they have been deprived by their own circumcision. For this reason, addressing male circumcision may be a prerequisite for dealing with female genital mutilation and unnecessary sexual surgery³.

One also notices that it is women who sustain and perform female circumcision. Mutilated persons look always to mutilate others⁴. This dynamic drives those who have been circumcised to hate those who are intact. So one creates religious and social barriers between the circumcised and the uncircumcised. We spoke of these barriers in the religious debate. Alice Miller writes:

Historians and psychologists will long continue to ponder the reasons for this outlandish behaviour [circumcision] because in their deliberations they overlooked the only correct explanation. But in the long run this explanation cannot be avoided, and it becomes obvious the moment the question is asked: What eventually happens to the person who was mutilated as a child? When ignorant adults torture a small child, won't he have to take his revenge later in life? He is bound to avenge himself unless his subsequent life allows the old wounds to heal in love, which is seldom the case. As a rule, children who were once injured will later injure their own children, maintaining that their behaviour does no harm because their own loving parents did the same. Besides, in the case of circumcision it is a religious demand, and to many people it is still unthinkable that religion could demand cruelty. But what if the unthinkable is true? Are the children and children's children to be sacrificed because of the ignorance of the priests?⁵

¹ Ibid., p. 141-143.

² Goldman: The psychological impact, p. 96.

³ Goldman: Circumcision the hidden trauma, p. 152-153.

⁴ DeMeo: The geography, p. 10.

⁵ Miller, p. 139-140.

D) Apathy

We saw in the medical debate that clergymen and physicians deny the suffering caused by circumcision. This denial itself is an effect of circumcision. Those who underwent circumcision deny the suffering as means to protect themselves. At the same time, they will have less feeling towards the pain of others, and they will invent justifications or resort to the anecdote to free themselves from accusations¹. Furthermore, one who is less responsive needs to seek a greater stimulus to achieve the same level of arousal. This is why some people who have emotional numbness seek dangerous activities to produce stronger sensations so that they can feel something. This may also explain the desire of men for ever louder music (men prefer music at higher volumes than women), more violent video images (male undergraduates prefer hard-rock videos while females prefer soft-rock videos), and reckless or antisocial behaviour. While other factors are also involved, Goldman asks whether male infant circumcision could contribute to the American male attitude of indifference to one's own pain and to the pain of others².

E) Violence and antisocial behaviour

In her book published in 1985, Rosemary Romberg writes:

One can argue that most of the great spiritual leaders within Judeo-Christian history; most of the Old Testament patriarchs and prophets, John the Baptist, Jesus, most of the apostles and early saints were circumcised as infants in accordance with the Abrahamic covenant. Certainly today there are many men who are spiritual leaders or are in other ways commendable people, who also happen to have been subjected to circumcision in infancy. No one has ever done any controlled study concerning the percentage of circumcised penises among criminals and vagrants compared to that among highly accomplished people of exemplary character. It is doubtful that circumcision, or any other painful medical procedure is going to turn anyone into a criminal or a terrible person. That is not the focus of today's anti-circumcision movement. The operation is painful and traumatic. It is depriving the individual of a valuable part of his body. It is unnecessary. These are our major concerns³.

Opponents to male circumcision, such as Alice Miller and Ronald Goldman, both Jews, whose ideas we have cited above, are not convinced that circumcision has no deleterious social effects.

Goldman asks if there is a link between circumcision, and asocial and violent behaviour, notably in the United States, that makes it the most violent society in the world. The homicide rate in this country is 14 times that of Japan and 8 times that of the European countries. Public discussion of the reasons tends to focus on factors such as drugs, lack of good moral upbringing, the availability of guns, television violence, the absence of fathers in the home, poor schools, lack of jobs, racism and the decline of religion. But to what extent do the effects of male circumcision contribute to the high rate of American violence?⁴

Problems during the birth experience have been associated with adult violence. In a study, investigators followed over 4,000 male infants to age eighteen. They found that those infants who had experienced both birth complications and early maternal rejection were most likely to have engaged in violence when they grew up. Children who have been abused are more likely to be violent toward others later in life. Male victims of child physical and sexual abuse are at a higher risk to be arrested for sex crimes as adults. Behavioural re-

¹ Warren: NORM UK, p. 99.

² Goldman: Circumcision the hidden trauma, p. 153-156.

³ Romberg: Circumcision, p. 89-90.

⁴ Goldman: Circumcision the hidden trauma, p. 157-162.

enactment of the trauma is a compulsion of some trauma victims. This means that the quality of childhood experience influences adult behaviour. There is no doubt that to circumcise a child is a traumatic and violent act. This trauma is repressed and stored in the unconscious. Research shows that pain can arouse aggression in animals and humans.

In the United States, the most violent place is the home. Domestic violence is the single greatest cause of injury to women. A study shows that in 1993 12% of spouses had violently attacked each other, and that 29% of female murder victims were killed by their husbands or boyfriends. Ronald Goldman asks whether there is a relation between the fact that every 25 seconds a male infant is circumcised in the United States and every 15 seconds a man beats a woman. Men who beat their wives view their behaviour as justified punishment for their wives' failure to meet their demands. They believe that a man is entitled to make the rules of his home and to enforce them. These beliefs of abusive men are similar to those of some people who make others undergo circumcision or perform the circumcisions, because in both cases there is a sense of entitlement to force one's will on another who is physically and economically disadvantaged, and there is a perception that the victim is property rather than a person.

Studies show that exposure to violence in childhood is linked to later spousal abuse. The child experiences circumcision as violent. Those who have been violated generally have a problem with anger and may direct it at others. Some circumcised men who have reported anger toward their parents feel particularly angry toward their mother because they think she did not protect them. They may later direct their violence against women in general as revenge. This does not mean that all circumcised men will be violent toward women, and other factors surely contribute to a propensity to be violent. Nevertheless, the possible connection between circumcision and domestic violence deserves study¹.

Opponents to circumcision did not hesitate to see the consequences of circumcision in recent acts of violence in American schools in which young children killed their fellow students. Violence produces violence and one generally reaps what one sowed².

F) Rape

Rape is a form of violence against women and hides a will of revenge. In the United States, as many as two million American women are raped each year. Research indicates that 15% of male students have forced intercourse on a woman at least once, and that 60% would rape a woman in certain situations. At current rates, 46% of women will be victimized by an attempted or completed rape some time in their life. The incidence of reported rapes in the United States has increased sharply in the last thirty years and is about seven times that of countries in the European community. Would there be a connection between this high rate of rape of women and the high rate of male circumcision in the United States?

In any case, there are similarities between raping a woman and circumcising a child. Both are attacks against the genital organs of an unconsenting person. The specific differences between the two are age and the precise nature of the act. Dr. Morgan titles an article on circumcision: *The rape of the phallus*³. Many opponents to circumcision feel that they have been raped⁴. A survey discovered a striking resemblance in the expressions used by women

¹ Ibid., p. 162-164.

² Zighelboim: Guns and penises. See also the message of Dan Bollinger (danbollinger@home.com), 7.12. 1999.

³ Morgan: The rape of the phallus.

⁴ Burrington.

victims of sexual abuse and by men who consider themselves victims of circumcision to describe their feelings¹.

Circumcision and rape produce similar effects. The circumcised man and the raped woman lose confidence in others, withdraw into themselves and say nothing about their pain. The person who circumcises a boy estimates that the boy does not have the right to refuse the mutilation. In the same way, the rapist estimates that the woman must submit to the sexual relation. Some think that the raped woman does not experience the rape, or even that she enjoys it. In the same way, proponents of circumcision think that the child does not experience the operation. Those who circumcise were themselves victims of circumcision, and those who rape were often themselves victims of sexual or physical abuse².

G) Child sexual abuse

Child sexual abuse is a form of violence against children. In two studies of adult women in the United States, 38% reported having been sexually abused as children. Another study reported a 45% rate. These figures underestimate actual rates because they are based only on reports of conscious memories that were admitted by women who agreed to be interviewed for the studies. Consequently, according to Goldman, a conservative adjusted rate would be about 60%.

Because circumcision is socially accepted, it is not considered to be sexual abuse. But some see in it an act of implicit sexual abuse done by persons benefiting from positions of social respectability above all suspicion: the clergy and the physicians. As a result, the public defines fondling a child's genitals as child sexual abuse, but cutting off a piece of the penis is not.

Certainly, sexual abuse is a violence which produces dramatic effects on children, whereas in circumcision the family surrounds the child with affection, which could reduce the negative effects of this abuse. But there exist common points between sexual abuse and circumcision. Both have direct immediate and long-term effects on psychological functioning. Both produce fear, anxiety, depression, anger, aggression and sexually inappropriate behaviour. Both the abused and the circumcised child may be devastated by the betrayal of trust. Both have difficulties satisfying their sexual desires and run more of risk to rape and circumcise other children when they become adult. Obviously, most circumcised men and most intact men are not perpetrators of child abuse, and the causes of child abuse are varied. Based on the available information, research is warranted to determine whether circumcision is one of them³.

H) Suicide

The suicide rate in the United States among young people has increased in the last few decades, particularly for males. Between 1950 and 1990, the suicide rate for males 15 to 24 years of age increased by a factor of 3.4. In addition, the 1990 rate was 5.6 times the corresponding female rate. Male suicide is connected with social isolation, repressed emotional expression, and shame. For some men, these factors may be associated with circumcision.

Goldman indicates that sudden infant death syndrome (SIDS) which strikes infants under one year of age is the leading cause of death for infants of this age and accounts for about 6,000 deaths annually. No one knows why about 60% of SIDS victims are male. The possibility that circumcision is a factor contributing to this phenomenon needs to be studied. If

¹ Menage, p. 217-218.

² Goldman: Circumcision the hidden trauma, p. 164-168.

³ Ibid., p. 168-171.

circumcision is comparable to rape, and rape destroys one's will and spirit, are we certain that AIDS is not, at least in some cases, infant suicide?¹.

I) Theft

Theft constitutes an enormous problem in the United States. There were 12.2 million thefts in 1992, and the rate has been increasing.

Goldman sees in circumcision an act of theft since it deprives somebody else of his own foreskin without his consent. Therefore, he considers it a violation of the biblical command: "You shall not steal" (Ex 20:15)².

The Somalian Waris Dirie speaks of her circumcision in term of theft:

When I imagine that this year two million more little girls will go through what I went through, it breaks my heart. It also makes me realize that each day this torture continues, angry women like myself will be produced, women who can never go back and recapture what was taken from them³.

I feel that God made my body perfect the way I was born. Then man robbed me, took away my power, and left me a cripple. My womanhood was stolen. If God had wanted those body parts missing, why did he create them?⁴

Goldman sees a similarity between circumcision and theft. The victim of theft can have a range of reactions including shock, helplessness, rage, and a sense of being violated. If the stolen item was considered valuable, he may grieve the loss, or he may defend against the grief by denying the item's importance. The same feelings can happen with circumcision. While some circumcised men have expressed grief about the loss of their foreskin, most deny the importance of what was taken from them. Obviously, as with other social problems, many factors are involved in theft, but this question has not been investigated: Is there any connection between the high rate of circumcision and the rate of theft in the United States?⁵.

The board to which babies are strapped for circumcision is called a circumstraint board. In 1995, a man was arrested on his second attempt to steal one of these from Cornell University Hospital where he had been circumcised twenty years before. He entered the hospital and asked the nurses to show him the room where circumcision is performed. Security was alerted. He left the place then, but came back two days later. He took the circumstraint and disappeared, proud of his exploit. He wanted to bring it to his colleagues in the University and to burn it before them. He justified his act as follows: "I did steal something from them but they stole something from me 20 years ago". He was found guilty and sentenced to community service⁶.

J) Wars and armed conflicts

Like individuals, societies can direct their anger inward or outward. Warfare is a form of externally directed social violence. All the factors that can increase the incidence of personal violence can contribute to a society's propensity to engage in war, for example: distrust, low self-esteem, sensation seeking, lack of empathy, depreciation of others, a history of violence, desire for control, emotional numbing and physical (military) superiority.

¹ Ibid., p. 171-172.

² Goldman: Circumcision: a source of Jewish pain.

³ Dirie, p. 231.

⁴ Ibid., p. 238.

⁵ Goldman: Circumcision the hidden trauma, p. 173.

⁶ Boyd, p. 131. See also DeSeabra: Baby boy steals circumstraint.

This does not mean that only circumcised people make wars, but one cannot exclude in a peremptory way the possibility that circumcision may play a role in bellicosity. To dismiss such possibility because it is just speculation and not proven may be driven by an underlying fear of knowing, resulting in avoidance. Instead of dismissing, one should do more research¹.

The Somalian Waris Dirie sees a connection between female circumcision and wars in her country. She writes:

These tribal wars, like the practice of circumcision, are brought about by the ego, selfishness, and aggression of men. I hate to say that, but it's true. Both acts stem from their obsession with their territory – their possessions – and women fall into that category both culturally and legally. Perhaps if we cut their balls off, my country would become paradise. The men would calm down and be more sensitive to the world. Without that constant surge of testosterone, there'd be no war, no killing, no thieving, no rape. And if we chopped off their private parts, and turned them loose to run around and either bleed to death or survive, maybe they could understand for the first time what they're doing to their women².

Fran Hosken expresses this same idea:

Perhaps the senseless violence that has been going on in Somalia between male clans and tribal groups is another manifestation of the long hidden brutal violence practiced against women and girls, imposed on them by men - infibulation [...].

The sickening performance of every Somali man of cutting open his bride to satisfy his sexual desires by raping a screaming bleeding girl - writhing in pain, often hardly more than a child - connotes a depravity and a corruption of values that are hard to fathom, let alone comprehend. And this is sanctioned all over Somalia as an accepted family tradition [...]. The same male violence has now erupted all over Somalia with rape and murder of women and children high on the list of atrocities reported daily and shown on TV³.

With these sad quotations which make us feel uncomfortable, we conclude this chapter. We will now examine social measures that aim to abolish male and female circumcision in the hope that these will contribute to reducing humanity's pains by reducing innocent children's pains.

Chapter 11.

Educational and psychological measures against circumcision

"A penny of prevention is better than a ton of medicine", says an Arabic proverb. We saw in the last chapter of the medical debate how one can remedy harmful effects of circumcision. We will examine here the social measures recommended by opponents of this practice to prevent it. We send back the reader to the last chapter of the legal debate for the legal measures.

1) Global survey and breaking the wall of silence

It is agreed today that female and male circumcision, as demonstrated in this book, is a complex topic that requires multidisciplinary study. This is a requirement to be able to fight

¹ Goldman: Circumcision the hidden trauma, p. 173-174.

² Dirie, p. 237.

³ Hosken: The Hosken report, p. 60.

this custom effectively, breaking the wall of the silence that surrounds it and taking account of all sensitivities: religious, medical, social, and legal.

If today female circumcision has acquired a level of international attention, this is still not the case with regard to male circumcision. Male circumcision remains a taboo. Every time that I indicated my interest in this topic, my interlocutors expressed astonishment. After having announced on the Internet the release of my book in Arabic, a reader wrote me saying that this topic is very sensitive on the religious level and I should avoid it. Another threatened me with damnation in hell, even before reading what I wrote. A third wrote to me: "Why are you interested in this topic whereas there are so many other problems? Does this topic deserve so much interest?" I asked him: "Is the mutilation each year of 15 million children not a topic that deserves the attention?" He did not respond.

Let me cite a personal experience in this respect. Many students from many different countries write to me asking for documents on female circumcision for their researches. I took a position of principle: never to help a student who only treats female circumcision. I explain to them that such research is discriminatory and unjust towards the children, and does not even serve the cause of women. I insisted on the fact that I do not like to impose my point of view, but that it was necessary to treat both female and male circumcision, whatever is their position. I can affirm that in the great majority of cases I convinced them to modify their topic of research.

2) Activism on religious level

We saw that religion is an important factor for maintaining or abolishing both male and female circumcision. The religious authorities, whatever is their power, are responsible for this practice, either by doing the operation, as is the case among Jews, or by trying to justify it, or by being silent. Three ways to try to influence these religious authorities are:

A) Heal, censor or remove

To prevent self-mutilation, some psychologists propose to treat these patients by prescribing medicines, or even by operating on them¹. But it is unimaginable to give medicines to all Jewish and Muslim religious authorities and their coreligionists so that they stop circumcising. This is a very delicate topic already in the field of paedophilia and sexual perversion.

Volkov had proposed some drastic measures to fight against the misdemeanours of a castes' sect². But these measures, as the previous, would raise a storm of protest.

Some propose to forbid the self-mutilators from reading the religious texts that can excite them sexually and incite them to mutilate themselves³. But it would be difficult to forbid the Jews, for example, to read chapter 17 of Genesis which is the basis of their male circumcision.

B) Enlist religious authorities

As it is impossible to heal or to remove the religious authorities, or to censor their holy books, some argue it is necessary to enlist them in the struggle against circumcision. This is a position adopted by opponents to female circumcision.

But to be able to enlist support of these authorities it is necessary to educate them. These authorities either ignore or seem oblivious to questions raised by male and female circumcision, even on the religious level. Catholic priests and Protestant pastors confessed me that

¹ See part 4, chapter 1.9.

² See part 2, chapter 2, section 4.2.

³ See part 3, chapter 6, section 2.2.B.a.

they never discussed the biblical text relative to male circumcision. Often their position regarding female circumcision is only the echo of what they have read in the press or heard from the radio and the television.

I cite in this respect the novel *The king, the wise man and the buffoon*, written by Shafique Keshavjee, a pastor of Indian origin who takes care of interreligious dialog in Lausanne. This book, which has attracted a wide audience, contains a paragraph on female circumcision. One of characters, a French atheist university Professor, says in a tone of reproach to the religious:

Every day in the world, six thousand Muslim, Animist and Christian girls are excised; every fifteen seconds, a little girl is thus mutilated forever in her intimacy. There are even men who justify this practice in the name of their religion. Whereas we discuss metaphysics in this retired place, the Earth continues to turn like a disturbed merry-go-round. And what say the religious authorities against these atrocities? Nothing, or too little. And when they speak, often they contribute to aggravate the problems more than to solve them¹.

This book does not mention male circumcision. When I asked the author, he confessed to me that he had not thought about it and that he estimates male circumcision less serious, or even beneficial for health!

If therefore it is necessary to educate the religious authorities, it is not certain that they are ready to be educated. And if one educates them, it is again not certain that they will risk entering so perilous a domain. A rabbi who is in favour of children's rights wrote to me that after having lost his foreskin, he feared to lose his job. Another asked me to spare him from this topic that would create for him enormous problems in his family. The Cardinal Jean-Marie Lustiger and the great rabbi Samuel Sirat of Paris refused to take a position concerning female circumcision. And we should not expect the Pope of Rome or the Western bishops soon to take a position against male circumcision in this time where one speaks of religious dialog and conciliation between Christians and Jews. Such a position would be labelled anti-Semitism or, at least, a provocation.

C) Vaccinate the people

Dr. Gérard Zwang proposes suppressing the monotheistic religions in order to abolish male and female circumcision. He writes:

The ideal should obviously be one day the definitive extinction of the dismal monotheistic religions, with their unacceptable dogmas and their ridiculous prescriptions. For the time being I keep a very moderate optimism. Yet we have seen the extinction of paganism, of communism, and certainly also of the cruel practice which was to bind the feet of little girls; mind you, it lasted more than 1,000 years².

We will not follow Dr. Zwang. Instead of fighting against the religions as Don Quixote fought against windmills, we prefer to deal with the human beings who consider themselves Jews, Christians and Muslims. Each has his own intellectual baggage and needs to bring his religious convictions into conformity with his intelligence. It is sufficient to awaken his conscience in this respect, to awaken in him the interest and to convince him that the sexual mutilations are ominous practices unworthy of human beings.

Such a process necessarily implies questioning dogmas inherited from the past and registered in the holy books. The Reformed Jews of the 19th century who attacked male circumcision could do this only through an interpretation of these books that emptied them of their

¹ Keshavjee, p. 33.

² Zwang: Demystifying circumcision.

revealed character. As they did not consider the Bible to be a revealed book, these reformed Jews did not feel bound to follow its prescriptions relative to circumcision.

In our time, some Jews have recourse to the notion of abrogation, without using this term explicitly. They consider the order of circumcision in Genesis 17 to have been superseded (abrogated) by the order given in Genesis 22. This chapter tells us that God said to Abraham: "Take your son, your only son Isaac, whom you love, and go to the land of Moriah, and offer him there as a burnt offering on one of the mountains that I shall show you". When Abraham and his son came to the place,

Abraham built an altar there and laid the wood in order. He bound his son Isaac, and laid him on the altar, on top of the wood. Then Abraham reached out his hand and took the knife to kill his son. But the angel of the Lord called to him from heaven, and said: Abraham, Abraham! And he said: Here I am. He said: Do not lay your hand on the boy or do anything to him; for now I know that you fear God, since you have not withheld your son, your only son, from me. And Abraham looked up and saw a ram, caught in a thicket by its horns. Abraham went and took the ram and offered it up as a burnt offering instead of his son (Gn 22:1-14).

Jewish opponents to male circumcision say that the order "Do not lay your hand on the boy or do anything to him" abrogated the order "Every male among you shall be circumcised when he is eight days old". For this reason, they read the order not to lay their hand on the boy instead of the order to cut him in the alternative ceremony we mentioned in the religious debate¹.

As for Christians, their holy books emptied circumcision of its obligatory character and replaced it by a symbolic circumcision of the heart and the ritual of baptism. The Fathers of the church considered the carnal circumcision as contrary to the principle of the perfection of the creation, and that one who circumcises for religious reasons commits a sin. But Christian fundamentalists are attached to the literal reading of the Jewish Bible that they consider also applicable to the Christian because of its revealed character, including the order to circumcise. Christian opponents to male circumcision demonstrated the weakness of this position, as we saw in the Christian religious debate.

For Muslims, the religious texts are less an obstacle since the Koran does not speak of circumcision, and narratives of Muhammad, the second source of the Muslim law after the Koran, are contested. Both male and female circumcision, are contrary to the Koran that extols the perfection of God's creation and forbids carrying reach to others. The problem for Muslims comes from ignorance of their texts and blind obedience to their religious authorities. My personal experience shows that a Muslim can be convinced to abandon male and female circumcision after a discussion of five minutes once he understood that the Koran does not mention these practices.

Facing these problems, there is a trend that distinguishes between the true teachings and the false teachings of religions. Evidently, for this current, the true teachings cannot tolerate female circumcision. Therefore, it is necessary to attack the false teachings and not the religions as such. This trend doesn't generally speak of male circumcision since the biblical text is explicit in this respect. In her book *La parole aux négresses*, Awa Thiam, Muslim Senegalese, writes:

Is it necessary to attack the religion? No, because the basis of these practices is not in the religion although some would pretend it².

¹ See part 2, chapter 1, section 4, sub-section 2.1.

² Thiam, p. 116.

Berhane Ras-Work, a Christian Ethiopian, writes concerning women in Djibouti:

Despite the obvious pain that they endure during sexual intercourse and at the time of the childbirth, because of the traditional operation, mothers agree to submit their girls to the same atrocious experience that they endured. This situation is accepted in a fatalist way resulting from a bad interpretation of the Muslim religion¹.

Sirad Salad Hassan, a Muslim Somalian, writes:

Today the genital mutilation finds its main argument of propaganda in an erroneous interpretation of the Muslim religion, in particular in Saudi Arabia, in Somalia, in Sudan, in Egypt, in Djibouti, in Indonesia and in Pakistan².

This way of presenting the religious norms tries to prevent itself from appearing as hostile to the religion, and tries, on the contrary, to absolve the religion of responsibility for female circumcision. But what these writers consider erroneous teaching is considered by proponents of circumcision to be true teaching. Opponents and proponents of this practice have each their own understanding what is true and what is erroneous in their religion. By extension, one can say that the murderer and the murdered in Algeria today each believes he is the only one to understand the Muslim religion. It is the same with Catholics and Protestants in Ireland, or with the secular Jew and the religious Jew in Israel. We believe that each has the right to determine the content of his belief, but none has the right to impose their point of view on others.

In order to avoid generalizations, as do the three aforementioned women authors, it would be preferable to speak not of religions, but of groups and even individuals. For this reason we treat in this book the subject of male and female circumcision *among Jews, Christians and Muslims*, and not *in Judaism, Christianity and Islam*. We proved that both male and female circumcision are contrary to the Koran and neither has a basis in Muhammad's narratives. But it doesn't belong to us to say that these two practices are or are not part of the Muslim religion as do Al-Azhar and other Muslim religious authorities. These authorities should speak of their own convictions instead of saying that their opinions are binding on everybody and can justify the fight in their favour, as does the sheik of Al-Azhar who says:

If a region stops, of common agreement, to practice male and female circumcision, the chief of the state declares war against that region because circumcision is a part of the rituals of Islam and its specificities. This means that male and female circumcisions are obligatory³.

However one deals with the problems raised by the religious teaching, it is not possible to avoid a confrontation with the holy books. As long as mankind believe that God gave orders in the holy books, mankind will try to apply these orders and continue to mutilate children, cut off hands of thieves, stone adulteries, put apostates to death, etc. For this reason, it seems to us indispensable to teach to people that God cannot have given orders to mankind to behave in such wild manner, not in any book. This means that it is necessary to suppress once for all from our mind the concept of revelation. This was already proposed by the physician and philosopher Al-Razi (d. 925). The Egyptian philosopher Zaki Najib Mahmud expresses the same thought. He urges that to create modern Arab States it is necessary to eradicate from Arab culture the idea according to which "the heaven has ordered and the earth must obey"⁴.

¹ Ras-Work: L'excision: propositions d'éradication, p. 80.

² Hassan: La donna mutilata, p. 20.

³ Aldeeb: Khitan, vol. I, annex 6.

⁴ Mahmud: Tajdid al-fikr al-arabi, p. 294. See also Aldeeb Abu-Sahlieh: Muslims' genitalia, p. 164.

It is necessary to recognize that such a view can only grow in a land of enlightened tolerance and may be appropriate only on the level of intellectuals. The people, at least in the present time, may not yet be prepared to accept such a thought. For this reason, it may be necessary to adopt with the people less rigorous and less provoking logic if we want to protect our children from mutilation in the immediate future¹.

3) Raise the educational, cultural and social level

Professor Paul Corr  a says that there are three stages one must go through to abolish female circumcision:

- The stage of mentality reconversion, employing all customary, moral and political authorities to convince the old people who are attached fiercely to these practices.
- The stage of the media utilization: This must follow the first stage and not precede it. In Africa people like to be informed under the palaver tree about the new orientations of the society, before the distribution of the news by the media, which would give the impression that the decision was imposed to them by the official authorities or the outside.
- The stage of the administrative and political decision, summarized in the adoption of lucid national policies. It is necessary to avoid hasty adoption of laws or decrees, which are finally never applied².

The task of informing the people can be assigned to the different organs of information. This implies the existence of freedom of speech, and getting onto the agenda of these media what they need to communicate to the public. One cannot expect a journalist to be an expert in all domains, and very often he just transmits the information he finds accessible to his hand. It is also necessary to ask experts in every domain to contribute to the diffusion of information for the social area in which they have their expertise.

Although radio and television are efficient means for spreading information, notably for a society that is largely illiterate, some think it would be counterproductive to use these media in the West. A movie distributed in the West on female circumcision would likely only make communities that practice circumcision shut in on themselves and create a climate of xenophobia. According to this opinion, it is necessary not to treat female circumcision as an isolated problem, but to place this practice in its more general setting: historic, social, political and customary³.

Needless to say, the Internet, with its diverse possibilities, is used extensively by both opponents and proponents of male and female circumcision. From discussion light may spring⁴.

In addition to the information media, one should also raise the level of education in the society. This might not immediately lead to complete abolition of female circumcision, but at least it would contribute to transform the practice of Pharaonic infibulation into simple sunnah circumcision before eliminating it altogether. But one notices that the nature of the education plays a role here. An education based on the religion, as in the schools of Al-Azhar, often has a devastating effect. One blind person may seek to train others to be blind. Finally, it is necessary to change the woman's social situation so that she gains economic independence and can make decisions freely.

¹ See Aldeeb Abu-Sahlieh: Muslims' genitalia, p. 163-164.

² Corr  a, p. 69-70.

³ Ismail, p. 63-64.

⁴ See Sarkis: Activism on the world wide web.

4) Effective methods of communication

It is not sufficient to transmit information; it is also necessary to know how to communicate effectively. Even prophets had to bend to certain rules in their interaction with their public. The Koran says: "It was mercy from God that you became compassionate towards them. Had you been harsh and mean-hearted, they would have abandoned you" (3:159). Different communicative styles can be tailored to different persons.

There is the "impersonal" serious style, which is adopted in scientific discussions, where the public and/or the interlocutor are abstractly implied¹. This style may appeal to some intellectuals. There is Socratic dialog in question-answer form (called *maieutic*), which leads a person to discover for himself what one wants to make him understand, and to arrive to a unity of language². It is necessary to avoid provoking the interlocutor, to avoid wounding him, or otherwise to transform him into an enemy. We need to stand in the shoes of the perpetrator and see the world through his eyes, with compassion as he was also once the hurt helpless child³. Nahid Toubia writes in this regard:

The language and the tone we use when discussing female and male circumcision should not be angry or provocative. While anger and frustration are well justified in many cases, the cause of social justice is better served by reasoning rather than fighting. While aggressive political and legal tactics may be the norm in the dominant culture of the United States, it is important to look at models of social change from other cultures. These models may be more persuasive, more inclusive, and, ultimately, more effective⁴.

Next to these serious, respectful styles, there exists a sarcastic or ironic style that resorts to anecdote and caricature. Sometimes an incisive anecdote is more effective than a thousand conferences. We deem that circumcision is a practice based on legends and that it should need little effort to convince a person of their absurdities. However, religion often forms a screen before the human mind, stopping the person from seeing and reasoning. The key to penetrating this screen sometimes consists in an simple, pointed expression to unblock the mind, precisely as Ali Baba opened the underground cave full of treasure with his magic formula: Open sesame! In this respect, we only found one text that treats the theme of male and female circumcision from a sarcastic but intelligent angle. It is a large review of a book on circumcision, written by the Egyptian journalist Muhammad Afifi. We reproduced this review in the Arabic version of our book⁵. Certainly, the sarcastic style, and even irony can wound religious feelings. But just as one may need to break eggs to make an omelette, it may be futile to try to fight against circumcision by trying tactfully to address every last obstructive religious, medical, social, psychological and legal conviction⁶.

There is also the literary style. This style is important. Even though we endeavour to be logical in our approach, we cannot ignore people's sensibilities. Some persons especially appreciate proverbs that summarize popular wisdom in a sentence. One verse of well-constructed and evocative poetry is sometimes more effective than exhausting Cartesian disquisitions. Therefore, opponents to male circumcision make room for poetry and sentimental texts in the agenda of symposia that they organize⁷. We believe that the battle against male and female circumcision needs speakers, poets, comedians, filmmakers and

¹ See Abd-el-Salam: A comprehensive approach, p. 323-327.

² See Parvati Baker: The wound, p. 179-183; Parvati Baker: Unifying, p. 197-200.

³ See Goodman: A Jewish perspective, p. 181-182; Lightfoot-Klein: Weibliche Genitalverstümmelung, p. 103-104; Beck-Karrer: Frauenbeschneidung, p. 137.

⁴ Toubia: Evolutionary cultural ethics, p. 7.

⁵ Aldeeb: Khitan, vol. I, annex 21.

⁶ See on this text Aldeeb Abu-Sahlieh: Jehovah, p. 58-59.

⁷ See for example Lander: The man behind restoration, and Zoske: Celebrating phallos.

actors as much as it needs scholars in religion, law, medicine or other disciplines. The former often know better when and how to influence people's feelings and thoughts.

A last word concerning actions. In 1994, I attended a demonstration that took place in Washington in front of the *Physicians Committee for responsible medicine*. Participants burned their birth certificates on which were written the name of the physician who circumcised them; participants also burned the Universal declaration that does not contain an article on the right to physical integrity and does not protect it. Demonstrations take place in front of hospitals in the United States to protest against the dismissal of nurses who refuse to participate in male circumcisions. We have noted how a man stole from a hospital a device used for circumcision. It would not be surprising for members of the anti-circumcision movement to resort to spectacular actions against circumcision to attract the attention of the public against what they consider a torture.

5) Healing psychological effects of circumcision

Both male and female circumcision have psychological effects on the individual and on society. Opponents urge that it is necessary to take care of the victims by psychological means to prevent them repeating their circumcision trauma on new victims.

The psychologist Ronald Goldman says that circumcised men who acknowledge the facts about circumcision may have different attitudes. Some may choose not to express their feelings about circumcision at all. Others may feel content to talk quietly about their feelings. Still others feel as if they could explode. Although all options should be respected, the best solution is to share feelings in a safe environment with a trusted partner or with the help of a mental health professional. Because some of the feelings of circumcised men are related to sexuality, support from a sexual partner is especially important. Sharing secrets can be a transformative experience. Simply being heard or receiving others' feedback can dispel years of fearful illusions and create a bond of trust. Acknowledging and grieving the loss caused by circumcision can help to recover at least some of the emotional part of ourselves that has been cut off. It could be useful in this respect to speak to the parents, but one should avoid disrupting their child's relationship with them. If parents acknowledge what they did and the hurt it has caused, this can help soften the anger and increase the trust of circumcised men, at the same time as it relieves parental guilt. It is also useful to speak with other circumcised men. This can be a significant step toward constructive male bonding and intimacy¹.

In any case, it is necessary to avoid a neutral position. Passivity is complicity. To be opposed to circumcision requires action to prevent others from being victimized. And this attitude aids recovery. Just as the fear to express oneself spreads to others, the courage to express oneself also spreads to others².

One can counsel persons to write letters to parents, doctors, hospitals, etc. A sensitive plan is to put the letter aside after writing it, and then to review it later. Some letters may then be seen to have already delivered their therapeutic efficacy and may be discarded, while others express substantive social comment and ideas for reform, and need to be posted. Other therapeutic modalities can be helpful. These include action, song, dance, music, poetry, role-play, relaxation and visualization³. There are also rituals based on feeling for the wholeness of nature that can help some persons achieve self-acceptance. I attended sittings of this kind at the end of two symposia on circumcision. These rituals permit one to enter into oneself and to feel an effect of hypnosis that may be similar to what happens in Sufi

¹ Goldman: Circumcision the hidden trauma, p. 198-201.

² Ibid., p. 202-203.

³ Lander: The man behind restoration, p. 314-315.

circles. These sittings help one to feel relieved morally and invigorate one to act against the circumcision.

We emphasize again that self-discovery and the effort undertaken to heal oneself are important if we do not want to perpetuate a vicious circle. As we have already seen: the person who has been abused is at risk to abuse others. To avoid this disastrous result, it is necessary to make the victim conscious of what he endured. Alice Miller says that "no one will commit murder when he can feel what was done to him in his childhood"¹. It is necessary to recognize the true nature of what the victim underwent, to recognize that circumcision is a crime, or according to Miller's terms "humanity's greatest crime", a crime required by the religion and not prevented by the legislator. Without such recognition of the nature of the circumcision, one will continue to tolerate this practice and to inflict it on ever new victims². Miller writes:

Every criminal was once a victim, but not every victim necessarily becomes a criminal. It depends on whether an informed witness can help the victim to become aware of the cruelty experienced, that is, to feel and see the cruelty inflicted on him. Every adult criminal lacked this witness in his childhood; otherwise he would not have become a criminal... Once able to feel their own misery they will also feel pity for the plight of others³.

¹ Miller, p. 26.

² Ibid., p. 135.

³ Ibid., p. 140-141.

Part 5.

The legal debate

Yearly, 15 million persons are mutilated through circumcision, an act Alice Miller qualifies as "humanity's greatest crime"¹. Despite this alarming figure, neither the legislature, nor judiciary, nor lawyers grant much importance to this practice because of its religious and political sensitivity, and because - at least for lawyers - they cannot win money with these sort of cases. Law schools never speak about the issue, even though it's a matter of penal and civil law. Even theological faculties are silent, although it's part of the study of the Bible and morals. We find the same silence in books on human rights. Probably my book in French *Les musulmans face aux droits de l'homme* is the only one that dedicates a chapter to it². The only space that universities reserve to the topic is in *Gender studies*, a branch dedicated to women's issues and, thus, only address female circumcision.

We studied in the second part of this book circumcision in the setting of Jewish, Christian, and Muslim religious law. In this last part, we will study the problems this practice raises regarding state law. After a historic review of the legislature's position, we will see the current position of international and national legislatures and NGOs. Then, we will analyse circumcision from a human rights' perspective and discuss surrounding medical issues. We will then consider inherent difficulties to the interdiction of circumcision by law. Finally, we will study the concession of asylum granted to those threatened with undergoing circumcision.

Chapter 1.

Historical legal prohibition of male circumcision

We saw in the medical debate that male circumcision is not justifiable other than in very rare instances. Therefore, it should have been made the object of interdiction centuries ago. Nevertheless, abolition of circumcision has rarely been extolled in the past. The Jews present this abolition as part of a plot to exterminate them. Thus, attacking the present movement opposed to male circumcision, Jewish Professor Freeman of the London Law School writes:

So far as is known, only Antiochus IV Epiphanes, Hadrian, Stalin and Hitler have outlawed ritual male circumcision. Is this the company with which today's opponents of circumcision would feel happy³?

Jenny Goodman, a Jewish psychiatrist opposed to male circumcision, echoes this statement, while trying to justify her position by saying she is inspired by a humanist ideal, contrary to the opposition that took place in the past. She writes:

Persecutors of the Jews have always attempted to ban circumcision. That their motivation was the extermination of the Jewish people, rather than any humanitarian concern for children, is shown by the fact that circumcision was frequently punished by death. In 168 BCE, Antiochus IV Epiphanes of Syria ordered his soldiers to execute circumcised Jewish babies and their parents. In CE 135, the Roman Emperor Hadrian [...]

¹ Ibid., p. 135.

² Aldeeb Abu-Sahlieh: *Les musulmans face aux droits de l'homme*, p. 73-86.

³ Freeman, p. 77.

made circumcision an offence punishable by death. Jews defied these decrees, and thousands were tortured and died the death of martyrs, refusing to abandon this symbol of their faith. The story was repeated in the Spanish Inquisition, under the Soviet Government and under the Nazis¹.

We will see in the following points that these judgments are not quite exact and require correction. To equate the humanist anti-circumcision movement to Stalin or Hitler is defamatory.

1) Historical prohibition of male circumcision

The Bible tells that circumcision was forbidden for the first time by the king of Israel Achab (who reigned 875-853 B.C.) and his wife Jezebel. This prohibition provoked the anger of the Prophet Elijah. Escaping persecution, Elijah took refuge in a cave where God appeared and asked him: "What are you doing here, Elijah?" He answered: "I have been very zealous for the Lord, the God of hosts; for the Israelites have forsaken your covenant, thrown down your altars, and killed your prophets with the sword. I alone am left, and they are seeking my life, to take it away" (I K 19:9-10).

The expression *have forsaken your covenant* seems to refer to the abandonment of circumcision. In commemoration of Elijah's zeal, the Jews install a chair called *chair of Elijah*, who is supposed to attend every circumcision². The Bible doesn't reveal the reasons behind this interdiction, and there is no independent information source that relates this fact. It seems excessive to say this interdiction was aimed at exterminating the Jews. All that can be deduced from the biblical text is that circumcision was a matter of conflict inside the Jewish community itself, between political authorities who were opposed to this practice and religious authorities who favoured it.

The second interdiction was at the time of the Greek king of Syria Antiochus Epiphanes, (d. 164 B.C.). According to the Bible, "in those days certain renegades came out from Israel and misled many, saying: 'Let us go and make a covenant with the Gentiles around us, for since we separated from them many disasters have come upon us'. This proposal pleased them and some eagerly went to the king, who authorized them to observe the ordinances of the Gentiles. So the Jews built a gymnasium in Jerusalem, according to Gentile custom, and removed the marks of circumcision, and abandoned the holy covenant". Encouraged probably by the initiative of these Jews, "the king wrote to his whole kingdom that all should be one people, and that all should give up their particular customs. All the Gentiles accepted the command of the king. Many even from Israel gladly adopted his religion". "The king sent letters by messengers to Jerusalem and the towns of Judah; he directed them to follow customs strange to the land [...] and to leave their sons uncircumcised". He added: "And whoever does not obey the command of the king shall die". In application of this decree, they put to death the women who had their children circumcised, and their families and those who circumcised them; and they hung the infants from their mothers' necks (I M 1:11-64). "Two women circumcised their children. They publicly paraded them around the city, with their babies hanging at their breasts, and then hurried them down headlong from the wall" (II M 6:10). These drastic measures irritated the rabbis. A priest named Mattathias and his friends "went around and tore down the altars; they forcibly circumcised all the uncircumcised boys that they found within the borders of Israel" (I M 2:42-46).

¹ Goodman: Jewish circumcision, p. 25.

² See part 2, chapter 1, section 4, sub-section 1.2.D.

There are no independent information sources to confirm these reports. However, one thing is certain. According to biblical text, the movement in favour of abolishing circumcision started with the Jews themselves. The king probably intervened to support those Jews who refused circumcision. Here we again have a conflict between political authorities and a group of Jews led by rabbis. The political authorities didn't give people the choice to be circumcised or not. The rabbis were no more tolerant toward people, because they forcibly circumcised all uncircumcised boys found within the borders of Israel. Therefore, it seems excessive to speak of a will to exterminate Jews.

Let's now examine references to the emperor Hadrian (d. 138). To understand this reference, it is necessary to know that Roman emperors before Hadrian tolerated the practice of circumcision of Jews even though Roman authors viewed this practice with a bad eye. These emperors took humanist measures to limit the reach to physical integrity. Thus, a Roman law in the year 97 forbade the castration of slaves; castration was subject to confiscation of half the possessions of one who practices it¹. Punishment under another law involved exile to an island and the confiscation of possessions of the one that castrates a man for passion or cupidity. If the castrator was poor, he was crucified or thrown to ferocious animals².

These laws didn't apply to circumcision of the Jews. Some Christians practiced circumcision to benefit from advantages afforded Jews - that is, to not participate in the cult of the emperor as a divinity. By circumcising themselves, they escaped the persecution of the gentiles and the Jews³.

Hadrian reiterated in 129 or 130 the interdiction to castrate a free man or a slave, with or without his will, subject to punishment of death and the confiscation of possessions. The same punishment applied to physicians who excised (*exciderit*) and ones who agreed to be excised (*excidendum probuit*)⁴. The term *excidere* is interpreted, notably by Jewish researchers, as *circumcise*. According to these researchers, the interdiction in question was directed against Jews, adding that the interdiction is the reason behind the revolt of Bar Kokhba (132-135). To support this contention, they rely on the text of Pseudo-Spartianus which says that Jews rebelled for being forbidden to mutilate their genitalia (*quia vetabantur mutilare genitalia*). They also invoke a law of Antoninus (d. 161), which says the Jews will be allowed to circumcise (*circumcidere*) their children, but if they circumcise children of other nations, the sanctions for castration will apply also to them⁵. These researchers consider this last law an exception to the law of Hadrian.

This interpretation of Roman law aiming to affirm the persecution of Jews for circumcision is not accepted by all researchers. We should also note that the Jews continued to perform circumcisions in Rome during the period of Hadrian. Even if we agree Hadrian's law forbade circumcision, it is excessive to see this law as a desire to exterminate Jews. Instead it's more reasonable to see the law as an application of the emperor's humanist principles.

This law could also be seen as a measure taken to protect the Jews who rejected circumcision and resorted to restoration of the foreskin. In fact, during this time the rabbis required double circumcision to prevent restoration. The decision of Hadrian, if it really concerned circumcision, could be understood as a measure more against certain rabbis than Jews

¹ Digesta 48:8:6.

² Digesta 48:8:3:4 and Digesta 48:8:3:5.

³ Hieronymus: Comment. in epistolam ad Galatas, 6:12, vol. 26, col. 464. See Rabello: Giustiniano, Ebrei e samaritani, vol. II, p. 674.

⁴ Digesta 48:8:4:2.

⁵ Digesta 48:8:11.

themselves. Furthermore, there is written evidence indicating circumcision was forbidden in Egypt, excepting for those who dedicated themselves to the priesthood in Pharaonic religion. Thus, it appears the prohibition of circumcision was a general measure not aimed exclusively at the Jews.

These Roman laws continued a long time after the christianisation of the empire to protect Jews against hostile attacks and allowing them to circumcise their children. The law still forbade them from circumcising others (free or slave) subject to death, exile to an island, and confiscation of possessions. Laws also granted liberty to slave who reported they were circumcised by their masters. The same sanction applied to Christians who agreed to be circumcised or who circumcised their slaves according to Jewish customs. Any physician who performed the circumcision was also punished by death. The goal of these laws was to prevent Jews from proselytizing and to forbid Christians from apostatizing¹.

2) Prohibition of male circumcision in modern times

In the religious debate, we saw that Reformed German Jews tried to free themselves from circumcision in the 19th century. They asked political authorities, notably in Frankfort, to allow parents to decide whether to circumcise their children or not. The authorities, interested in making the operation less risky for health reasons, implemented qualifications for the circumciser². This last problem was also addressed in France, in 1843, where circumcisers were forbidden to suck a child's penis so as not to infect him and expose him to death³. These two measures provoked a prompt reaction on behalf of rabbis, who believed they had the right to govern the Jewish community without restriction.

In Russia, contrary to general impressions, circumcision as practiced by Jews and Muslims was not prohibited. There is no explicit legal provision against it in enactments dealing with religious matters or in criminal codes of the former Soviet republics. Article 227 of the criminal code of RSFSR comes closest to a prohibition. One of its provisions makes punishable "the performance of religious rites connected with inflicting harm to the health of the citizens". But this article, according to Joshua Rothenberg, has not been invoked to prosecute the performance of circumcision except when a medical complication has followed the operation⁴. In such a case, the *mohel* who performed the operation was considered as having violated norms forbidding the practice of medicine by non-physicians. Discriminatory action may also be taken against parents or close members of a family who allow the performance of circumcision. Discrimination could come in the form of job demotions, the denial of job advancements, loss of priority for acquiring a new apartment, or denial of permits for vacations in resort areas⁵.

According to Rothenberg, Jews living in Muslim regions normally performed circumcisions⁶. In other regions, the practice of circumcision decreased due to a variety of reasons, including the following:

- A hostile Jewish secular position against circumcision. Yiddish communist periodicals in the 1920s and 1930s were filled with vehement attacks against Jewish Par-

¹ On the Jewish circumcision in the Roman Empire see Rabello: Giustiniano, vol. II, p. 591-592, 672-676; Rabello: The ban; Smallwood: The legislation; Feldman: Jew and Gentile, p. 100-101, 153-158; Linder: The Jews, p. 84, 87, 104, 113, 115, 134, 233, 669.

² See part 2. chapter 1. section 3.3.

³ Erlich: Les mutilations sexuelles, p. 111. Hidirolou, p. 28-29.

⁴ Rothenberg: The Jewish religion in the Soviet Union, p. 142.

⁵ Ibid., p. 143.

⁶ Ibid., p.148

ty members, Komsomol members, and non-members who occupied higher functions who performed circumcisions¹.

- Russian culture does not favour circumcision as, for example, U.S. culture does. The position of the official medical organization in Russia was hostile to this practice that it considered barbaric, savage, and detrimental to the health of the infant².
- Circumcision was considered a chauvinistic Jewish custom that inculcates distinctiveness and a feeling of superiority and even hatred toward other nations³.

Note the Czarist and Soviet authorities imposed more severe persecution on the sect of castrates, composed mainly of Christians, because it mutilated genitalia of citizens⁴.

As for the Nazi period, circumcision was considered a mark of identification for Jews. Some Jews let their children go uncircumcised or resorted to the surgical restoration of the foreskin to escape persecution. Because circumcision has been objectively associated with Hitler's intentions, it has never been forbidden in Nazi Germany.

In conclusion, history reveals that circumcision has rarely been forbidden for anti-Jewish reasons; instead, it has been forbidden because it's been seen as flagrant violation of physical integrity. When it has been forbidden, its aim wasn't to exterminate the Jews. In fact, if that were the goal, it failed to affect nearly half of the Jewish population: Jewish women have never been circumcised. Circumcision has now spread to many Christians who blindly follow physicians and religious authorities. There is no country today that forbids this practice, although it violates the most elementary norms of medical deontology and two primary human rights, i.e. the right to physical integrity and the right to life.

Chapter 2.

International condemnation of female circumcision

Unlike male circumcision, female circumcision didn't attract the legislature's attention until the past few decades. Female circumcision has been performed in the West since the 19th century by physicians, sustained by religious milieus, to fight masturbation and associated illnesses. Because it doesn't have a religious basis in the Bible, and because of the rise of the Western feminist movement strength, Western countries began to oppose it in the colonial period at the legislative, judicial, and media level. These countries succeeded in attracting the attention of NGOs in those countries that largely perform female circumcision. With the arrival of African immigrants in the West, the campaign became even more combative to dissuade them from performing this custom in violation of Western laws.

In this chapter, we will chronologically relate the explicit positions relative to female circumcision adopted by the international legislatures represented by the UN, CE and OAU. The following chapter will consider national legislature's position.

1) UNO and specialized organizations

1931: This was the first time the international legislator was interested in female circumcision. A conference on African children was held in Geneva under the auspices of the *Save the Children Fund*. At this conference, several European delegates urged that the time was ripe when this "barbarous custom" should be abolished, and that, like all other "heathen"

¹ Ibid., p. 147-148

² Ibid., p. 143-144.

³ Ibid., p. 162-164 and 166.

⁴ See part 2. chapter 2. section 4.2.

customs, it could be abolished at once by law. They argued that it was the duty of the Conference, for the sake of African children, to call upon governments under which the customs of this nature were practiced to pass laws making it a criminal offence for anyone found guilty of practicing the custom of clitoridectomy. However, the majority of conference delegates did not wholeheartedly agree to seek the abolition of a people's social custom by force of law. The general opinion of the conference delegates was that education would enable people to choose what customs to keep or eliminate¹.

1952: In its resolution adopted May 28, 1952, concerning the deprivation of essential human rights of women in trust and non-self-governing territories, the ECOSOC stated that it

invites all States, including States which have or assume responsibility for the administration of Non-Self-Governing Territories, to take immediately all necessary measures with a view to abolishing progressively in the countries and territories under their administration all customs which violate the physical integrity of women, and which thereby violate the dignity and worth of the human person as proclaimed in the Charter and the Universal declaration of human rights².

1958: In its resolution adopted July 19, 1958, the ECOSOC stated that it

invites the WHO to undertake a study of the persistence of customs which subject girls to ritual operations and of the measures adopted or planned for putting a stop to such practices³.

1959: In a resolution of May 28, 1959, the World health assembly said that it "considers that the ritual operations in question are based on social and cultural backgrounds, the study of which is outside the competence of the WHO". The WHO never mentions this resolution in its documents on female circumcision. African women reiterated this demand to the WHO in 1960 at the time of the UN seminar on the involvement of women in public life that took place in Addis Ababa, as well as in 1961 by the ECOSOC.

1976: The WHO's first answer to ECOSOC demands was the publication on September 30, 1976, of a report by American Dr. Robert Cook, adviser of the WHO regional office for the Eastern Mediterranean. This report distinguishes between three types of female circumcision:

- Type I: Circumcision proper. "The circumferential excision of the clitoral prepuce, analogous to male circumcision". It is known in Muslim countries as the sunnah circumcision. It is also sometimes practiced in the United States to counter failure to attain orgasm on the part of the woman associated with redundancy or phimosis of the female prepuce. Cook mentions here Dr. Rathmann and Dr. Wollman who favour this type. He adds: "As it has not been reported to have any adverse health consequences, this review is not concerned at all with this form of female circumcision".
- Type II: Excision. Besides the excision of the prepuce, this involves the removal of the glans clitoridis or even of the clitoris itself, together with the adjacent parts of the labia minora, or even of the whole of the labia minora.
- Type III: Infibulation also called Pharaonic circumcision. We described this type in the first part of this book. Cook considers that it is from this type that the most of

¹ Kenyatta, p. 131-132.

² E/RES/445 C (XIV).

³ E/RES/445 680 (XXVI).

the adverse consequences to health result. Therefore, Cook's survey is concerned only with this form of circumcision¹.

This report illustrates that the WHO's expert in 1976 didn't condemn all types of female circumcision. He goes further by stating the first type is actually useful, referring to what is done in the United States.

1977: The WHO created a working group to examine female circumcision.

1979: The WHO organized a seminar in Khartoum February 10-15, 1979, on the traditional practices affecting the health of women and children, notably female circumcision. Representatives of the following countries participated in the seminar: Burkina Faso, Djibouti, Ethiopia, Egypt, Kenya, Nigeria, Oman, Somalia, Sudan, and South Yemen. The seminar adopted the following recommendation regarding female circumcision:

- 1) The adoption of clear national policies for abolishing female circumcision;
- 2) The establishment of national commissions to coordinate and follow up on the activities of bodies involved including, when appropriate, the enactment of legislation prohibiting female circumcision;
- 3) The intensification of general education of the public, including health education at all levels, with special emphasis on the dangers and the undesirability of female circumcision; and
- 4) The intensification of education programs for traditional birth attendants, midwives, healers, and other practitioners of traditional medicine, to demonstrate the harmful effects of female circumcision, with a view to enlisting their support, along with general efforts to abolish this practice².

These recommendations don't distinguish between different types of female circumcision, contrary to what the WHO expert did in 1976. This seminar marks a crucial point in the struggle against female circumcision. Since this seminar, the UN and its different agencies became more and more engaged in the struggle. There is no year thereafter that the UN or its agencies didn't have a declaration, report, survey, or symposium on the topic.

1982: In June the WHO sent to the Subcommittee on the prevention of the discrimination and the protection of minorities a statement in which it "supports the recommendations of the Khartoum seminar of 1979". Forgetting its past tergiversation, the WHO adds that it "has consistently and unequivocally advised that female circumcision should not be practiced by any health professionals in any setting, including hospitals or other health establishment".

1984: The working group on traditional practices, in collaboration with the WHO, UNICEF, UNFPA, and Health ministry of Senegal, organized a seminar in Dakar February 6-10, 1984. In final recommendations, the seminar affirms that female circumcision is contrary to medical ethics, and it recommends its interdiction to all the medical and paramedical personnel. It also condemns the medicalization and modernization of this practice³. Furthermore, the seminar proposes that the question should be made part of the report presented every year to the World health assembly in Geneva by the delegates of all concerned countries⁴.

1984: The ECOSOC decided May 24 to create a working group to conduct a comprehensive study of traditional practices affecting the health of women and children. The first

¹ Cook, p. 54-55.

² Traditional practices, report of Seminar, Khartoum, p. 4-5.

³ Rapport du séminaire sur les pratiques traditionnelles, Dakar, 1984, p. 7.

⁴ Ibid., p. 136.

report on this topic was presented February 4, 1986, by Mrs Halimah Al-Warzazi to the Commission of human rights¹.

1987: A seminar on the traditional practices was organized in Addis Ababa April 6-10, 1987, by the Inter-African committee, in collaboration with the WHO, OAU, UNICEF and Ethiopian health ministry. It adopted a detailed plan of action to fight against female circumcision and to abolish it in all forms by the year 2000². Besides the educational and sensitization measures on all levels, this plan proposes legislative and administrative measures as instruments to abolish female circumcision. According to the plan, through these measures, governments can guide and institutionalize changes in attitude towards harmful traditional practices. It adds: "Where such legislation does not exist, women's organizations should support its introduction, and where the legislation does exist, they should investigate the extent of its implementation"³.

1990: A conference on traditional practices was organized November 19-24, 1990, in Addis Ababa by the Inter-African committee, in collaboration with the UN Economic commission for Africa, the OAU, and the Ethiopian health ministry. It was decided at this conference to abandon the terms *female circumcision* and *excision* because they "could be misleading and may not fully describe the extent of the practices". These terms have been replaced by *female genital mutilations*. It has also been decided "that specific laws be promulgated to forbid the practice of female genital mutilation and sexual abuses, with punishment of all those who undertake these practices" and "that the laws against female genital mutilation include particularly severe punishment for medical professionals"⁴.

1990: The Child's convention entered into force September 2, 1990. Article 24, section 3, says: "States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children". Although not mentioned expressly, female circumcision became a part of the international legislation as traditional practices harmful to health. It is important here to overview the history of this text through the *travaux préparatoires*⁵. This paragraph has its origin in a proposition made by the representative of Radda Barnen International in 1986 that said:

The States parties to the present convention shall seek to eradicate traditional practices harmful to the health of children and shall take all appropriate action including necessary legislative, administrative and educational measures to ensure that children are not subjected to such practices⁶.

In 1987 the U.K. representative said the concept of traditional practices might possibly be interpreted more widely than authors intended, adding that the proposal's wording should be tightened to make it clear what was exactly intended. He also wondered whether reference to "traditional practices harmful to the health of children" meant female circumcision. The Senegal delegation counselled prudence when dealing with issues that entail differences in cultural values, emphasizing also the danger of forcing practices to become clandestine if prohibited by state legislation.

The observer for Canada proposed to add "seriously" before "harmful", "by all appropriate means" after "seek", so as to indicate that concerns other than legislation are acceptable. He also wanted to add "including female circumcision" after "traditional practices" to provide

¹ E/CN.4/1986/42.

² Report on the regional seminar on traditional practices, Addis Ababa, 1987, p. 13.

³ Ibid., p. 18.

⁴ Report on the regional conference on traditional practices, Addis Ababa, 1990, p. 8-9.

⁵ The U. N. Convention on the rights of the Child, a guide to the "Travaux préparatoires", p. 351-352.

⁶ E/CN.4/1986/39, p. 10-11.

clear content to the draft article. The Australian representative suggested the addition of the words "physical or mental" before "health of children". The U.S. delegation proposed to replace "to combat traditional practices that affect the health of children" by "to eliminate traditional practices which seriously and adversely affect the health of children".

The U.K. and U.S. delegations suggested that the concept of female circumcision be added at the end of the proposal. The U.S. representative explained the amendment was designed to ensure that the group would explicitly address traditional practice of greatest concern and would give greater content to the phrase "traditional practices". In addition, he argued that adding this phrase would demonstrate that the practices to be abolished were those of a serious nature. The Senegal representative proposed not to include "female circumcision" in the text. The Canadian delegation accepted this proposal and stated that "it was its understanding that the term traditional practices included all those practices outlined in the 1986 report of the Working Group on traditional practices affecting the health of women and children. The delegations of Japan, Sweden, and Venezuela associated themselves with the Canadian delegation's understanding of the term traditional practices"¹.

As we can see, only female circumcision was addressed in the *travaux préparatoires*. Male circumcision doesn't seem to have even entered the minds of the drafters of the child's convention.

1991: The UN Commission on human rights organized a seminar on traditional practices in Ouagadougou (Burkina Faso) April 29 - May 3, 1991. This seminar adopted the 1990 seminar decision made in Addis Ababa to use the term female genital mutilations. It estimated that "the terminology used up to now on the international level to qualify the operations performed on the female genitalia, such as excision or infibulation, doesn't reflect the gravity of these practices". It recommended to the states the elaboration of "legislation forbidding these harmful practices to the health of women and children, notably the excision" and required "the health professionals to dissociate themselves completely of these harmful traditional practices"². The report of the seminar adds:

According to the opinion of the majority of the participants, the explanations drawn of the cosmogony and those based on the religion must be assimilated to superstition and must be denounced as such. Neither the Bible, nor the Koran does prescribe to women to be excised. In terms of struggle strategy against the excision, it has been recommended to do in such a way to dissociate, in the mind of people, male circumcision that has a hygienic function, from the excision that is a serious reach to the woman's physical integrity³.

1992: The WHO affirmed its opposition to the medicalization of any form of female circumcision during the Netherlands' consultancy for maternal health and family planning congress on female circumcision.

1993: Female circumcision was condemned in the UN conference on human rights in Vienna in 1993. The declaration and the program of the conference⁴ concluded:

The World Conference on human rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or

¹ E/CN.4/1987/25, p. 8-10.

² E/CN.4/sub.2/1991/48, 12.6.1991, par. 136.

³ E/CN.4/sub.2/1991/48, 12.6.1991, par. 27.

⁴ [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.Fr?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.Fr?OpenDocument).

customary practices, cultural prejudices and religious extremism. The World Conference on Human Rights calls upon the General Assembly to adopt the draft declaration on violence against women and urges States to combat violence against women in accordance with its provisions (par. 38).

1993: The UN General assembly's resolution adopted December 20, 1993, relating to the elimination of violence against women classified in article 2 that female circumcision is violence against women. Article 4 adds: "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination"¹.

1994: On May 10, 1994, the WHO adopted a resolution on the harmful traditional practices for the health of women and children, including female genital mutilations².

1994: The program of action adopted by the International Conference on Population and Development held in Cairo September 5-13, 1994, condemned female circumcision. Paragraph 4:22 of the program demands governments to prohibit female genital mutilation where it exists and to give vigorous support to efforts among non-governmental and community organizations and religious institutions to eliminate such practices. Paragraph 5.5 characterizes this practice as coercive and discriminatory, while paragraph 7.35 qualifies it as both a "violation of basic rights" and "a major lifelong risk to women's health"³.

1995: The WHO gathered a technical working group in Geneva July 17-19, 1995, composed of 27 experts from outside the WHO and 26 experts from inside the WHO. The group issued a report on female sexual mutilations stating that it considered these acts "a form of violence against girls and women that has serious physical and psychosocial consequences which adversely affect health. Furthermore, it is a reflection of discrimination against women and girls". The report indicates that the WHO is committed to the abolition of all forms of female genital mutilation. It affirms the need for the effective protection and promotion of the human rights of girls and women, including their rights to bodily integrity and to the highest attainable standard of physical, mental and social well-being". The report adds that the WHO "strongly condemns the medicalization of female genital mutilation, that is, the involvement of health professionals in any form of female genital mutilation in any setting, including hospitals or other health establishments". The report gives the following definition: "Female genital mutilation comprises all procedures that involve partial or total removal of the female external genitalia and/or injury to the female genital organs for cultural or any other non-therapeutic reasons"⁴.

1995: The 4th World Conference on Women, held in Beijing September 4-15, 1995, condemned female circumcision and called for the UN and other relevant international organizations, governments, NGOs, the mass media, and the private sector to respect women's health programs, and for placement of special focus "on programs for both men and women that emphasize the elimination of harmful attitudes and practices, including female genital mutilation". It called for urgent government action to "combat and eliminate violence against women, which is a human rights violation, resulting from harmful traditional or customary practices, cultural prejudices and extremism", and for the prohibition of "female genital mutilation wherever it exists", as well as for the "support of efforts among non-governmental and community organizations and religious institutions to eliminate such

¹ www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/00297169111689248025670f004192cf?Opendocument. A/RES/48/104.

² WHA47.10.

³ A/CONF.171/13.

⁴ Female genital mutilation, report, p. 7.

practices". It rejected the medicalization of female circumcision and insisted on the duty to act through the different UN organizations to encourage African countries to adopt a national program that corresponds to their culture in order to eliminate female circumcision.

1997: The WHO, UNICEF and UNFPA issued a joint statement concerning female circumcision condemning female circumcision which comprises "all procedures involving partial or total removal of the external female genitalia or other injury to female genitalia organs whether for cultural or other non-therapeutic reasons". They also condemned the medicalization of this practice¹.

1997: The UN General assembly adopted resolution 52/99 of December 12, 1997, relating to traditional or customary practices affecting the health of women and girls. This resolution emphasizes the need for national legislation and/or measures prohibiting harmful traditional or customary practices, as well as for their implementation, *inter alia*, through appropriate measures against those responsible.

1998: The WHO published an overview on female genital mutilation exposing its harmful effects and measures undertaken to eliminate it. This overview has been prepared by Nahid Toubia and S. Izett of Rainbo. In the foreword, Dr. Tomris Türmen, executive director of the section Family and reproductive health, says: "The WHO has consistently and unequivocally advised that female genital mutilation, in any of its forms, should not be practiced by any health professionals in any setting, including hospitals or other health establishments"².

2000: The UN General assembly adopted a resolution³ February 7 on the traditional or customary practices affecting the health of women and girls that "constitute a definite form of violence against women and girls and a serious form of violation of their human rights". The resolution expresses "concern at the continuing large-scale existence of these practices" and stresses "that the elimination of such practices requires greater efforts and commitment from Governments, the international community and civil society, including non-governmental and community organizations, and the fundamental changes in societal attitudes are required".

All the above demonstrate the efforts of the United Nations and its different organizations to eliminate female circumcision. While we will return to these positions in following chapters, we can now summarize them as follows:

- All forms of female circumcision performed for cultural or other non-therapeutic reasons constitute a violation of the right to the bodily integrity and physical and psychic health, and is discrimination and violence against women.
- Non-therapeutic female circumcision should not be medicalised.
- It's necessary to establish laws forbidding female circumcision and punish those who perform it.
- There's no position specifically forbidding non-therapeutic female circumcision performed on adult women.
- These organizations are completely silent on the issue of male circumcision. To distinguish between male and female circumcision, they have changed the name of female circumcision to female genital mutilation.

¹ Female genital mutilation: a joint WHO/UNICEF/UNFPA statement.

² Toubia; Izett: Female genital mutilation, an overview.

³ A/RES/54/133.

2) Council of Europe

No survey exists tracing developments of the CE's position on female circumcision. This position has evolved from indifference to total opposition to this practice:

1988: A European parliamentarian expressed his indignation that some Italian hospitals perform infibulations and excisions of little girls of immigrant parents from developing countries. The European commission answered that the problem is out of the parliamentarian's jurisdiction and that national projects on public health and the improvement of the woman's status in these countries can sensitize concerned populations on the consequences of these practices. The European community, the Commission added, can support these efforts in accordance with the Convention of Lomé¹.

1993: The 3rd European ministerial conference on the equality of women and men of the CE occurred on October 22-23, 1993, and concluded that genital and sexual mutilations are violence and classified them with other mistreatments such as incest and the trade of women².

1995: In the Conference *Equality and democracy* organized by the CE in February 1995, in preparation for the Beijing conference, female circumcision was the most frequently quoted example of a human rights violation for cultural and religious reasons. The participants reiterated the duty to respect the cultural, traditional, and religious norms of others, but they agreed that these norms should not be accepted if they violate the fundamental rights of the individual and the principle of equality between man and woman, as is the case of female circumcision. Minorities who live in EU countries cannot invoke culture, tradition, or religion for the maintenance of this custom. To prevent these minorities from performing it, it's necessary to resort to conviction by discussion or, if necessary within courts or by giving political asylum to women opposed to this practice³. Some participants considered tradition, culture, and religion as relative factors not having an absolute value. Some traditional, cultural, and religious norms are good and must be maintained, while others are bad and must be abolished. Very often these norms are invoked to perpetuate the domination of men over women. Until now, only men have had the right to define and interpret these norms; it's now necessary to recognize that women have this right also⁴.

1996: The report of the mixed group of specialists on migration, cultural diversity, and equality between men and women of 1996 estimates that multicultural societies can coexist only if there is an openness toward different cultures and mutual respect between individuals, at the private and public level. Behaviour of immigrants that violates the rights of individuals and the principle of the equality between men and women cannot be tolerated even though these behaviours have a cultural or religious basis, as is the case of female circumcision that constitutes an unjustifiable violence⁵.

1997: The 1997 final report of the specialist group for the struggle against violence toward women notes that very few complaints concerning female genital mutilations have been brought before national EU courts which led to the conclusion that the laws of these countries are hardly ever applied. "The cultural relativism often has the tendency to appear in this domain and the notions of respect of the different traditions and cultures serve to justi-

¹ Answer on 25.11.1988 to the question no 2500/87, OJ no C 145, 12.6.1989, p. 7.

² Déclaration sur la politique contre la violence à l'égard des femmes dans une Europe démocratique, in Déclarations et résolutions, document MEG-3 (93) 22, point 5.

³ Egalité et démocratie: utopie ou défi?, p. 55-56, 101.

⁴ Ibid., p. 59-63.

⁵ Groupe mixte de spécialistes sur les migrations, p. 13, 14, 17, 32, 34-36.

fy the idleness". The report says that these mutilations "must be defined in law as a violation of rights of the human person and an infringement being a matter for the penal code"¹.

1997: On July 17, the European Parliament adopted a resolution on female circumcision in Egypt:

Considering excision a sexual mutilation contrary to human dignity, Parliament deplored the Egyptian Council of State's decision declaring the practice to be legitimate and the recent judgment of the Cairo Administrative Court annulling the order outlawing the practice in public hospitals. It supported the decision of the Egyptian Government and its Health Ministry to appeal against these rulings and called on the UNICEF to re-launch its campaign against this form of mutilation, proposing that the Commission cooperate actively in its implementation².

1998: The 1998 final report of activity of the specialist group on intolerance, racism, and equality between women and men said parents have the right to transmit to their children the cultural and religious values they defend, but the State has the responsibility to intervene when fundamental rights are violated, as is the case with domestic violence. The State cannot encourage or tolerate practices that violate the principles of human and democratic rights. This report gives three examples of inadmissible discrimination against women: female genital mutilations, forced marriages, and polygamy. The report considers female genital mutilations as a "particularly odious violation of the physical integrity of women, that would be rightly considered as a form of torture having some permanent consequences on all aspects of the woman life"³.

1998: March 11, the European Parliament adopted a resolution that says:

Parliament rejected all forms of discrimination against women and girls on the basis of religious doctrines or perceptions. It strongly condemned the practice of sexual mutilation and called on the Member States to prohibit it in their territory⁴.

1998: March 17, the Social, Health, Family Affairs Committee recommends to the Committee of Ministers to ask EU member States "to eliminate discriminatory practices affecting girls":

- by making a distinction between, on the one hand, the necessary degree of tolerance or protection of minority cultures and, on the other, blindness to customs which amount to torture and inhuman and barbaric treatment which the CE is committed to eradicating;
- by proclaiming the pre-eminence of the universal principles of respect for the individual and the individual inalienable right to self-determination and for complete equality between men and women;
- by adopting the position of the WHO, UNICEF [...] which now treat genital mutilations as torture and call for their prohibition as well as the prosecution of those who carry them out [...]
- by arranging, on the basis of an offence of violence resulting in mutilation or a specific offence, for the punishment of these acts by prosecuting offenders and their accomplices, including the parents;

¹ Groupe de spécialistes pour la lutte contre la violence à l'égard des femmes, p. 80.

² OJ C 286, 22.9.1997: <http://europa.eu.int/abc/doc/off/bull/en/9707/p102002.htm>.

³ Groupe de spécialistes sur l'intolérance, p. 7, 9, 12-13.

⁴ europa.eu.int/abc/doc/off/bull/en/9803/p101001.htm.

- by arranging for special time-limits enabling victims to bring actions after they have reached their majority as well as entitling child protection organizations to bring actions¹.

2000: April 3, the Parliamentary Assembly adopted a recommendation on violence against women in Europe, which says:

The Assembly condemns with equal strength genital mutilations that are still too currently practiced in the name of customs or cultural and religious traditions, and which amount to barbaric tortures on young girls. It therefore invites member States to implement the measures proposed in recommendation 1371 (1998)².

If CE has aligned itself with the position of the WHO and UN, its position is more daring, more precise, and more detailed. It condemns sexual mutilations, but recognizes they are part of cultural and religious norms. It qualifies them as barbaric torture and recommends longer time-limit for victims to bring actions after they have reached their majority, even against their parents. But, like the WHO and UN, the CE doesn't address male circumcision and provides no justification for failing to do so.

3) Organization of African Unity

Article 21 of the African Charter on the Rights and Welfare of the Child of 1990 says:

States Parties to present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting welfare, dignity, normal growth and development of child, particularly:

- a) those customs and practices prejudicial to the health or life of the child; and
- b) those customs and practices discriminatory to the child on the grounds of sex or other status³.

Despite its position, the OAU was absent from the UN seminar on traditional practices held in Ouagadougou, April 29 - May 3, 1991. The participants expressed regret for the OAU's absence because this organization represents the countries concerned by this practice. In their recommendations, participants called on the OAU to:

- 1) place on the agenda of the next summit of the African heads of State the issue of traditional practices affecting the health of girls and women, and notably excisions; and
- 2) proclaim an African day of struggle against excision and all traditional practices affecting the health of little girls and women⁴.

During the 31st ordinary session of the OAU Assembly of Heads of States and Governments in Addis Ababa 1995, June 26-28, a declaration and an African plan of action concerning the situation of women in the context of family health were adopted. All member states were called upon to ensure their total commitment to implementing the following strategies:

- adopt legislation for prohibiting the practice of female circumcision;
- implement community education on the health consequences of female circumcision;

¹ Abuse and neglect of children: <http://stars.coe.fr/doc/doc98/edoc8041.htm>.

² stars.coe.fr/ta00/erec1459.htm.

³ CAB/LEG/24.9/49 (1990): www1.umn.edu/humanrts/africa/afchild.htm

⁴ E/CN.4/sub.2/1991/48, 12.6.1991, par 136 (our translation from the French version).

- develop culturally appropriate information, education, and communication campaigns to combat the practice; and
- promote alternative sources of income for practitioners of female circumcision¹.

The OAU Council of Ministers adopted at its 68th session the Addis Ababa Declaration on Violence against women, issued at the Inter-African committee symposium for legislators in September 1997. This decision was ratified later by the assembly of heads of state and government at its 35th session. The Addis Ababa Declaration considers female circumcision violence against women and children and calls upon Africa states and governments to:

- 1) adopt clear and consistent national policies for abolition of female genital mutilation and other harmful practices, including enactment of specific national legislation to prohibit them;
- 2) establish concrete mechanisms for implementation of national policies and effective legislative measures for the elimination of all forms of violence against women and children;
- 3) prohibit the medicalization or para-medicalization of all forms of female genital mutilation and other harmful traditional practices;
- 4) desist from hindering, in any form, efforts to eradicate the practice of female genital mutilation and other harmful traditional practices; and
- 5) ensure that by 2005 the practice of female genital mutilation is completely eradicated or its incidence drastically reduced².

No OAU document condemns male circumcision.

Chapter 3.

National condemnation of female circumcision

While some Western and African countries have enacted laws prohibiting routine female circumcision, they have disregarded the issue of male circumcision. This chapter addresses measures enacted in the West and then discusses the situation in Egypt, an important African and Muslim country.

1) Western countries

In the medical debate, it was illustrated that Western physicians traditionally performed female circumcisions to reduce sexual pleasure and fight against masturbation and associated illnesses. Today, they perform female circumcisions for aesthetic reasons or to increase sexual pleasure! Western countries haven't enacted any legislative measures in this area other than against non-Westerns previously in their colonies and now on their territories. Circumcision performed by white people in the West has never even interested researchers.

A) Switzerland

Switzerland was the first Western country to take a position against female circumcision. This step was the result of intervention by Edmond Kaiser who organized a press conference in Geneva April 25, 1977, to denounce the practice. Kaiser alerted the Swiss physician federation (FMH) about the practice of ritual interventions of sexual mutilation frequently performed on women of certain countries in the third world whose numbers have

¹ Newsletter of the Inter-African committee, no 20, December 1996, p. 12.

² Ibid., no 22, December 1997, p. 3-5, and no 24, December 1998, p. 11.

also increased in Europe. The FMH transmitted this information to the Swiss academy of medical sciences, which adopted the following declaration August 24, 1983, published in the Bulletin of Swiss physicians:

We ask every physician in a hospital or private practice to be very attentive to the content of the following Declaration.

The Central committee for medical ethics of the Swiss academy of medical sciences,

- attentive to the fact that some parents coming from countries where ritual practices of sexual mutilation are performed on women, are trying to get their children admitted into our hospitals or day surgery clinics in order to have those types of surgery performed,
- preoccupied by the fact that one might be tempted to accede to such demands for reasons of misconceived compassion or other badly thought out reasons,
- convinced that such procedures, performed according to customs in opposition to our ethical principles concerning minors unable to judge by themselves, are cruel and degrading, and convinced that they contradict the eminently personal right to physical integrity and as such constitute an infraction automatically prosecuted as serious bodily assault according to article 122, numeral 1, par. 2 of the Swiss Penal Code,

declares:

- Anyone, be it a physician and practicing in clinical conditions beyond reproach, who performs sexual mutilations on children and teenagers of the female gender, is guilty of serious deliberate bodily assault according to article 122 of the Swiss Penal Code. This person therefore must be prosecuted automatically.
- Moreover, this person violates the fundamental rights of a human being in performing a degrading and cruel procedure on a minor incapable of judgment and who is unable to enforce her own claim to the right to physical integrity.
- Whoever collaborates in such a procedure becomes an accomplice under the criminal law and, generally speaking, is guilty of the violation of human rights.
- Guilty parties and their accomplices, doctors and auxiliary nursing staff, are moreover violating in most serious way, the moral principles applicable to the exercise of their duties.

The Commission invoked article 122, numeral 1, par. 2 of the Swiss Penal Code which says:

Anyone who has mutilated a person's body, one of the limbs or one of the important organs, or rendered the limb or the organ unfit to function [...], will be sentenced to a maximum of 10 years reclusion or to between 6 months and 5 years of imprisonment¹.

On October 7, 1992, members of the national Council presented the Caspar-Hutter interpellation to the Federal council. This interpellation says:

Women and little girls in certain cultures are systematically victims of mutilations and amputations of their sexual organs, which have traumatic and disastrous consequences for their health. Switzerland also counts adepts of these rituals.

I therefore request the Federal council to answer to the following questions:

- Does it know the number of excisions performed in Switzerland and does he know in what conditions they are performed?

¹ Bulletin des médecins suisses, vol. 64, 1983, cahier 34, 24.8.1983, p. 1275.

- Is it disposed to oblige physicians and hospitals to declare these practices so that one is able to have a realistic idea of the size of the phenomenon?
- How does it consider these injuries and amputations from the point of view of the penal code?
- Is it ready to commit on the international level, imposing penal sanctions, so that these rituals no more be performed?
- Is it disposed to provide an adequate help to women and little girls looking to escape this torture, for example by recognizing that this violation of the bodily integrity constitutes a torture or endangers the life and the bodily integrity?

The Federal council responded on March 1st, 1993, as follows:

- 1) According to an investigation led currently by the Institute of ethnology of the University of Bern, the Swiss public hospitals had to take care of about 80 excised women in these last ten years. It mainly concerned asylum seekers coming from Somalia, Ethiopia and Sudan. These women had solicited some medical care for problems of pregnancy, childbirth and infections. This investigation doesn't provide any data on the excisions that could have been performed currently in Switzerland.
- 2) To institute the obligation for physicians and hospitals to declare mutilations done in the country of origin would not improve our knowledge considerably on these practices in use in vast regions of Africa. It is why the Federal council doesn't see the necessity to undertake steps in order to institute such an obligation, for which a special legal basis should be created.
- 3) In the Swiss penal code the excision of the clitoris is considered as a serious bodily lesion. The physical integrity being one of the most precious goods that is protected by our legal order (art. 122 of the penal code), whoever proceeds to the ritual interventions mutilating the sexual organs, notably of children and little girls, becomes guilty. The serious bodily lesion is an offense prosecuted automatically (*d'office*). The legal situation is therefore unambiguous. Besides, physicians and the auxiliary medical personnel that would have knowledge of an excision performed on a minor in Switzerland could inform the tutelary authority, despite the professional secret (art. 358^{ter} of the penal code). Central committee for medical ethics of the Swiss academy of medical sciences already has taken notice of this custom and it has arrived to the same conclusion.
- 4) The excision of the clitoris is a widespread practice in different regions of Africa where it is rooted deeply in customs and the tradition. Therefore, it is not possible to fight similar ritual practices by the penal measures. As declared repeatedly already by the WHO, it is above all by information and by the improvement of life conditions and of the social and educational status of women that one will be able to get results.

It is in this perspective that the Confederation assigns a general help in the setting of cooperation to the development; it is also ready to sustain the local projects of education. The Federal council is besides disposed to examine what would be the possibilities of informing target-groups in Switzerland.

- 5) In Switzerland and in the remainder of Europe, the excision of the clitoris is considered as inhuman treatment according to article 3 of the European convention of human rights. Therefore, in the case where a decision has been taken to deport a foreigner, if the foreigner is under substantial risk to be submitted to this inhuman

treatment, the decision should be suspended and replaced by a transient stay decision.

Despite this firm position on the practice of female circumcision on the Swiss territory, there was no one single case before the Swiss courts.

B) France

The only Western country whose courts have condemned people participating in this practice has been France. Because France doesn't have provisions specifically prohibiting female circumcision, the courts have, in fact, referred to the general rules of the penal code, including article 312 which says:

Anyone who, voluntarily, carried out strokes on a minor under the age of 15, or committed against him violence or assault, excepted light violence, is punishable [...]

3) of the temporary criminal reclusion of ten to twenty years if there is mutilation, amputation, deprivation of the use of a limb, blindness, loss of an eye and other permanent disabilities or death, even if the guilty party did not intend such a result.

If the guilty are the legitimate, natural or adoptive father or mother, or any other person having authority on the child or charged of his guard, [...] the penalty will be perpetual criminal reclusion [...].

This article was replaced in the new penal code of February 1st, 1994, by the two following articles:

Article 222-9: Acts of violence resulting in a mutilation or a permanent disability are punishable by imprisonment for 10 years and a fine of 1.000.000 Francs.

Article 222-10: The offense defined in art. 222-9 is punishable with 15 years of criminal imprisonment when it is committed:

1) Against a minor under the age of 15 years [...].

The penalty incurred by a violation of art. 222-9 is raised to 20 years of imprisonment when the crime is committed against a minor under the age of 15 by a legitimate, natural or adoptive ascendant or by any other person having authority over the minor [...].

It is necessary to point out, however, that the number of cases brought before the courts doesn't necessarily correspond to the number of cases of female circumcisions performed in France. The CE survey on violence against women indicates that in the past, in French law, the sexual mutilation question appeared delicate when it seemed to put in opposition two fundamental notions: the respect of cultures and the application of French law¹. In France, the position on female circumcision is not legislative, but judicial, provoked by the press and female associations. It's appropriate at this juncture to examine some cases to illustrate French courts' application of the penal code

First on November 16, 1979, the 16th criminal chamber of the appeal court of Paris sentenced a female circumciser, under the first offender's act, to have by clumsiness, inattention, and negligence caused the death of a baby aged three months and a half².

On August 20, 1983, the Court of Cassation sentenced a French mother who in an act of craziness proceeded to the ablation of the clitoris as well as the small lips of her girl's vulva. The Court decided that "the revealed facts, to suppose establish, would charge the guilty of constituent elements of the violence crime performed by a legitimate mother on a

¹ La violence à l'égard des femmes: étude juridique comparative, p. 48.

² CA Paris 16th, 16.11.1979, les cahiers du droit no 2, 15.12.1994 – 15.1.1995, p. 32.

child under the age of fifteen and having caused a mutilation according to the article 312, par. 3 of the penal code"¹.

On October 1984, F. Doukara, a hard-working Malian, appeared before the 15th criminal chamber of Paris. He confessed that he himself excised his daughter who had been hospitalized 15 days. The district attorney held that there was only injury and no mutilation and asked the court to consider the father's personality before punishing him to confinement under the first offender's act. Doukara's lawyer argued that a dissuasive punishment would have a negative effect because parents would hesitate to go to hospitals in case of such problems. The father was condemned to one year of jail, under the first offender's act².

On December 4, 1989, the Chamber of Accusation of the appeal court of Paris sent back before the Court of Assises of Paris a case involving two parents and a female circumciser for crimes of voluntary strokes, violence, and assault committed on child of less than 15 years that caused mutilations. On March 8, 1991, the court sentenced parents to a five-year jail term, under the first offender's act, and the court sentenced the female circumciser to the penalty of five years of criminal reclusion³.

On February 1999, a female circumciser, along with 26 African parents suspected of having ordered the circumcision of their girls, appeared before the Court of Assises of Paris "for complicity of voluntary violence on minors under fifteen years which caused a mutilation". This case arose from the filing of a case by Mariatou Koita, a 24-year old French woman of Malian origin and a law student. In January 1994, Mariatou had told a judge that she and her four sisters were excised as children on the decision of their parents. For the first time, a victim had decided to file a complaint. The police investigation resulted in the arrest of the female circumciser who had performed the procedure on 48 girls. The circumciser had already been sentenced in 1994 to one year of confinement for similar acts⁴; the parents were also punished. By a decision dated February 16, 1999, the court condemned the same female circumciser to eight years of confinement, the girl's mother to two years of confinement, and the other parents to five years of confinement. The court also required the female circumciser and parents to jointly pay compensation of 80,000 francs to each of the 48 victims. It should be noted that the other excised girls who were required to testify, under the eyes of their accused mothers, didn't appear with Mariatou and several of them even said they were angry with her⁵.

D) Other countries

The general provisions of the penal code of all other Western countries would allow the criminal pursuit of people implied in genital mutilation acts. Some of these countries have even adopted explicit laws against this practice - for example, the United States, the United Kingdom, and Sweden:

United States

Different independent U.S. states have adopted laws prohibiting female circumcision⁶. The U.S. government also enacted a federal law in 1995, *Federal prohibition of female genital mutilation Act of 1995*, which specifies:

¹ Affaire D. Richter - Peyrichout, no 83/22616B; Cass. crim. 20.8.1983, Bull. crim. no 229, Dalloz 1984, IR, 45; Rev. Sc. Crim. 1984, 73, obs. G. Levasseur.

² Le Monde, 7.10.1984.

³ Verdier: Le double procès de Mme Keita, Droit et culture, no 20, 1990, p. 149; Le Nouvel Observateur, 14.3.1991; Le Monde, 12.3.1991.

⁴ Le Monde, 17.9.1994.

⁵ Le Monde, 11.2.1999; Libération, 2 et 17.2.1999.

⁶ See <http://www.fgmnetwork.org/legisl/index.html#International>.

- A) Except as provided in subsection (B), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.
- B) A surgical operation is not a violation of this section if the operation is
 - 1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioners; or
 - 2) performed on a person in labour or who has just given birth and is performed for medical purposes connected with that labour or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner of midwife.
- C) In applying subsection (B)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.
- D) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because
 - 1) that person has undergone female circumcision, excision, or infibulation; or
 - 2) that person has requested that female circumcision, excision, or infibulation be performed on any person;
 shall be fined under this title or imprisoned not more than one year, or both".

Definition: For purpose of this section, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

United Kingdom

On July 16, 1985, the United Kingdom promulgated a law, *Prohibition of female circumcision Act 1985*, forbidding female circumcision:

- 1. -(1) Subject to section 2 below, it shall be an offence for any person:
 - a) to excise, infibulate or otherwise mutilate the whole or any part of the labia majora or labia minora or clitoris or another person; or
 - b) to aid, abet, counsel or procure the performance by another person of any of those acts on that other person's own body.
- (2) A person guilty of an offence under this section shall be liable:
 - a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both; or
 - b) on summary conviction, to a fine not exceeding the statutory maximum (as defined in section 74 of the Criminal Justice act 1982) or to imprisonment for a term not exceeding six months, or to both.
- 2. -(1) Subsection (1) (a) of section 1 shall not render unlawful the performance of a surgical operation if that operation
 - a) is necessary for the physical or mental health of the person on whom it is performed and is performed by a registered medical practitioner; or
 - b) is performed on a person who is in any stage of labour or has just given birth and is so performed for purposes connected with that labour or birth by:
 - i) a registered medical practitioner or a registered midwife; or

- ii) a person undergoing a course of training with a view to becoming a registered medical practitioner or a registered midwife.
- (2) In determining for purposes of this section whether an operation is necessary for mental health of a person, no account shall be taken of the effect on that person of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

Sweden

Sweden forbade female circumcision in a law enacted in 1982, No 316:

Section 1: It is an offence to carry out an operation on the outer female genital organs with a view to mutilating them or to bringing about other permanent changes in them, whether consent to the operation has been given or not.

Section 2: A person guilty of an offence under Section 1 shall be liable to imprisonment for a term not exceeding two years or, if there are mitigation circumstances, to a fine. If the offence has caused danger to life, grievous bodily harm, serious disease or has otherwise involved extremely ruthless conduct, it shall be considered grave. For a grave offence the sentence is imprisonment for a term of at least one year and not exceeding ten years.

A person found guilty of attempting to commit the above offence is to be sentenced for liability pursuant to Chapter 23 in the Penal Code.

An amendment to this law entered in force July 1st, 1998, to tighten up the penalties. Female genital mutilation now carries a prison sentence of a maximum of four years. If the offense is deemed grave, the sentence could be a minimum of two years and a maximum of 10. To prepare for, conspire about, or neglect to report a female genital mutilation is a punishable offense. To bring cases before the Swedish courts, the crime must have been committed in Sweden or be punishable in the country where it was carried out. A problem yet to be resolved refers to immigrant families who have their daughters mutilated in an African country that does not have legislation against female genital mutilation¹.

It's important to also note that a number of Western medical organizations have taken positions against female circumcision, but space limitations preclude a full discussion of those organizations².

2) African countries: case of Egypt

The general provisions of the penal codes of all African countries allow the criminal pursuit of people participating in genital mutilation acts. Some of these countries have adopted explicit laws against this practice, often under Western pressure. Our discussion here is limited to the case of Egypt because of its importance in Arab, Muslim, and African worlds, and because it has been attacked these past few years about its stance on female circumcision.

In the religious and social debates discussed previously in this book, we examined the religious reactions to male and female circumcision in Egypt and how proponents of these practices accuse opponents to be enemies of Islam and Muslims³. This section will address the legislative and judicial efforts undertaken in Egypt to end female circumcision. Male circumcision has not been addressed. The first Egyptian legislative text concerning female circumcision was Ministerial Decree No 74 of 1959. The first article of this decree lists the

¹ Newsletter of the Inter-African committee, no 25, July 1999, p. 17.

² We mention here the British medical association, the Australian medical association, the American academy of pediatrics, and the American medical association.

³ See part 4, chapter 9.2.A.

names of 15 people composing a commission designated to address this practice. This group includes Muslim religious scholars and physicians. Among them was Vice-Minister of Health Mustafa Abd-al-Khaliq, the great mufti of Egypt Hasan Ma'mun, the former great mufti Husayn Muhammad Makhluḥ. Article 2 states the commission adopted the following:

- It is forbidden for anyone but a physician to practice excision. If one wishes it, then only partial circumcision may be carried, but not total circumcision.
- It is forbidden to perform the operation of female circumcision in establishments of the Health ministry, for health, social and psychic reasons.
- It is forbidden for midwives to perform any surgical procedure whatsoever including female circumcision
- Female circumcision currently performed causes a health and psychic prejudice for women before and after the marriage. Based on certain authentic narratives, jurists diverged on whether female circumcision is a duty or a *sunnaḥ*, and some estimated that it is a meritorious act (*makrūmah*). But they all agree that it is part of the rituals of Islam and that the Islamic law forbids the total ablation.

This very badly written text can be summarized as follows: Partial female circumcision is part of the rituals of Islam, but total female circumcision is not. Female circumcision can be performed only by physicians recognized by the state, if the circumcision is partial. This decree is not in Egyptian legal books or health law compilations. In addition, Egyptian courts have never relied on it, even though the rate of female circumcision in Egypt is estimated to be 97%. This operation is performed primarily by *dayas* (traditional midwives) or barbers, and sometimes by physicians. Female circumcision has historically not been performed in state clinics.

This was the legal situation in Egypt until 1994. On September 7, 1994, the CNN distributed a movie on the circumcision of a girl named Najla by a barber in a popular district of Cairo. The movie was aired during the international conference on population and development held in Cairo. Violence exhibited in the operation provoked general outcry on national and international levels, especially after Egyptian president declared that female circumcision was rarely performed in Egypt. In reaction, a 22-member committee, including the minister of health and great mufti, met and published the following declaration October 9, 1994:

The committee affirmed in its meeting of Sunday evening on October 9 under the presidency of the Minister of health that the phenomenon of female circumcision doesn't have a basis in religion. It asserted that it is a repugnant custom inherited of the past comporting serious dangers as regards to the health and the psychic of the woman, the family and the society. The committee reviewed the sanitary, psychic, religious, media and social aspects of female circumcision, aspects exposed by the members of the committee, each according to his specialization. The committee was composed of the great professors of medicine and scholars of religion, *fatwa*, law, media and sociology. The discussions and opinions exposed around this topic led to what follows:

- 1) Female circumcision is an inherited old custom; no Koranic text or narrative of Muhammad mentions it. The narrative of circumcision [of Um-Atiyyah] has been reported in different manners all weak, deficient and vicious on which one cannot rely. Therefore, this affair is a matter for physicians.
- 2) Physicians are unanimous on the danger of this operation that produces dangerous bodily, psychic and social complications, reason for which physicians estimate that it is important and necessary to abandon this custom that doesn't have any justifica-

tion as regards to the religion and health, and that it is necessary to take measures guaranteeing its regression until its total abolition.

- 3) This custom is spread in certain sectors of the society for reason of lack of information and exact data relative to its dangers on the physical and psychic level. Besides, it acquired an ungrounded religious character. For this reason, religious sensitization, media and suitable education have an important and main role to fight this custom and attack it by all means and channels of information in the setting of a complete plan, in association with the governmental and non-governmental bodies working in the domain of the direct contact, notably mosques, places of cult, educational institutions and civil organizations.
- 4) From the legal point of view, the committee estimated that the present legislation that forbids the exercise of the medical profession by other people than the authorized physicians is sufficient to confront those who illegally perform surgical operations because they are not authorized physicians to perform them. The Minister of health may promulgate a decree in order to regulate the practice of the operation of female circumcision by the hygienic methods and to sensitize women in hospitals and the sanitary centers with regard to the danger of the phenomenon of female circumcision, leaving the legal measures against those who contravene to the Ministry of interior.
- 5) Creation of a working group including representatives of the concerned ministries and governmental and civilian bodies, in order to establish a long-term plan and a program relative to the religious sensitization, media and health education. This group will be presented to the committee in its next meeting.

On October 19, 1994, the Health minister sent the following instructions to health affairs directors in government departments:

We inform you that the committee created within the Ministry of health to discuss the phenomenon of female circumcision, committee composed of the great professors of medicine and scholars of religion, *fatwa*, law, media and sociology, adopted in its meeting of Sunday on October 9, 1994 a declaration, here enclosed, affirming that female circumcision doesn't have a basis in religion and that it is a repugnant custom inherited of the past comporting serious dangers as regards to the health and the psychic of the woman, the family and the society. The committee also affirmed that religious sensitization, media and suitable education have an important and main role to fight this custom and attack it. For this reason, the following measures must be taken:

- 1) Interdiction of the practice of circumcision [male and female] by non-physicians and in places other than those equipped for this purpose within the public and central hospitals, and application of the law relative to the exercise of the medical profession. Legal measures must be taken against those who contravene this law in the most efficient and fastest manner.
- 2) All educational or central hospital will designate two weekly days for male circumcision, and one weekly day to receive families wanting female circumcision.
- 3) In the designated day for female circumcision, a committee in every hospital will receive the parents wanting to get this operation done [for their girl]. This committee is composed of a gynaecologist, an anaesthetist, a social worker, a nurse of operation and a religious preacher and counsellor. It will clearly expose the physical and psychic dangers of this operation and the position of the religion on this issue. It should receive the family more than once before doing the operation and not to hurry to respond to the family's desires before having exhausted all means of convic-

tion. This in order to limit progressively the expansion of this phenomenon in view of its abolition.

On October 25, 1994, the Egyptian Society of Physicians organized a symposium on female circumcision and adopted a declaration signed by 15 people, including the president of the Society, the secretary of the Council of the Society, the president of the Committee of ethics of the medical profession, physicians, academic professors, and the chairwoman of the family planning association in Cairo. The declaration mentions the unanimous adoption of the following recommendations:

- 1) Female circumcision will be allowed in the following conditions:
 - a) The operation must be performed in the adult age (on demand of the girl and her guardian), age in which the girl's outside genitalia become obvious and formed; it must not be performed on young girls.
 - b) The same measures adopted for the other operations must be applied for this operation as regards to the anaesthesia, the reduction of the pain and the follow-up after the operation. It must be performed in equipped hospitals, with symbolic honoraria so that poor can have access to it.
 - c) The surgical and professional rules and the religious norms must be respected, so that one limits the operation to levelling the protruding part without exaggerating, deforming, or touching the lips or the clitoris than with moderation; every case should be taken care of separately.
- 2) Refusal of the enactment of a law incriminating female circumcision.
- 3) We request persons responsible of media, intellectuals and all those that participate in the sensitization to respect the principle: Ask those who have the religious knowledge and the specialists in the religious, medical domains, etc., to sensitize citizens according to the scientific and moral criteria, far from the sensationalism and the ignorance.
- 4) We request state leaders, religious scholars and persons in charge of Islamic predication to arrive to a unified direction of *fatwa* for the service of the religion and the temporal affairs and to avoid sensationalism and confusion.
- 5) The issue of female circumcision has been invented and stirred, and it is time that this uproar stops. The symposium calls to all so that they immediately stop all discussion in this domain.
- 6) The Egyptian nation belongs to an Arab, Islamic and human civilization. It has values, principles and independent identity of which it must be proud and that it must defend and even preach between nations.
- 7) Sustain to the scientific, cultural and ideological collaboration between the civil associations and the official bodies in the interest of the nation and citizens.
- 8) Doing more field studies and scientific researches concerning the aspects of female circumcision.
- 9) Translation of the acts of the symposium in foreign languages and their diffusion worldwide.
- 10) Affirmation of the acceptance of the ministerial decree no 74 of 1959 of June 14, 1959 relative to female circumcision and which can be summarized as follows:
 - It is forbidden for anyone but a physician to practice excision. If one wishes it, then only partial circumcision may be carried, but not total circumcision.

- It is forbidden to perform the operation of female circumcision in the establishments of the Health ministry, for health, social and psychic reasons.
- It is forbidden for midwives to perform any surgical procedure whatsoever including female circumcision.
- Female circumcision is part of Islamic rituals, and Islamic law forbids total ablation¹.

As we saw in the political debate, the minister of health intended to prohibit this practice completely to calm its opponents on the national and international level. Sheik of Al-Azhar, on the other hand, favoured this practice and declared in a *fatwa*:

If a region stops, of common agreement, to practice male and female circumcision, the chief of the state declares war against that region because circumcision is a part of the rituals of Islam and its specificities. This means that male and female circumcisions are obligatory².

To avoid an internal religious revolt, the minister tried to reach an acceptable solution by permitting female circumcision only in the setting of hospitals, which means the medicalization and legalization of this practice. This solution provoked the anger of opponents. The United States even threatened to cut its economic aid to Egypt if the ministerial decision is not abolished.

Numerous declarations have been issued in Egypt against this decision, including a declaration published by NGOs following a symposium entitled *Toward A National Strategy For The Eradication of Female Circumcision in Egypt*, held in Cairo March 25-26, 1995. This declaration says:

Inspections done by the Egyptian association of human rights in the Department of Cairo and Al-Gharbiyyah during the month of March gave the following results:

- 1) Female circumcision is performed daily in the hospitals of the Ministry of health.
- 2) There is no committee of sensitization aiming to indicate misdemeanours of female circumcision to those who go to these hospitals.
- 3) A group of physicians has emerged which takes direct financial advantage from the operation of female circumcision. They have joined thus the rank of the proponents to this practice instead of trying to dissuade the girl's parents to circumcise her.
- 4) There is a ferocious competition between three categories of physicians who want to perform female circumcision: paediatricians, general surgeons, and gynaecologists. A director in a hospital of Al-Gharbiyyah has even reserved for himself the right to perform this operation.
- 5) The traditional kiosks performing the circumcision in the Department of Al-Gharbiyyah have not been affected. By joining the barbers, the physicians of the Ministry of health widened the circle of those practicing female circumcision.
- 6) Activities of sensitization on behalf of civil organizations were prejudiced. For example, the *Society for the prevention of harmful traditional practices to woman and child* usually resorted to physicians to sensitize the public against this practice. These physicians became however opposed to these efforts under the pretext that they have instructions from Ministry of health permitting them to perform female circumcision.

¹ Text in: Abd-al-Salam; Hilmi, p. 114.

² Aldeeb: Khitan, vol. I, annex 6.

We note that instructions of the Health minister on female circumcision consolidated and widened this practice and increased the number of its recipients by bestowing it a false legitimacy.

For this reason, we strongly urge the Health Minister to stop the practice of female circumcision in all forms in the hospitals of the Ministry¹.

The Health minister eventually gave up his fight and on October 17, 1995, sent the following instructions to health affair directors in government departments:

Following what has been addressed you October 19, 1994 concerning the measures to be taken for the practice of the operation of female circumcision;

On the light of the encouraging results that we received recently on behalf of the Departments' presidents, health affairs directors and civil associations, results that demonstrate the receding of the phenomenon of female circumcision following the campaign undertaken by the different organs of the Ministry of health;

Taking into consideration the consequences of this repugnant practice and its serious dangers as regards to the health and the psychic of the woman, the family and the society, [we decide that] the operations of female circumcision won't be practiced anymore in public and central hospitals. The gynaecological sections and obstetrics in these hospitals as well as sections of the protection of the motherhood and childhood will limit themselves henceforth to sensitize and counsel in order to limit this phenomenon.

In 1996, Dr. Isma'il Salam became the new Health Minister, replacing Dr. Abd-al-Fattah. Thereafter, two girls died from circumcisions, one performed by a physician and the other by a barber. It became clear, therefore, that physicians were not better at circumcisions than barbers and that both had violated the law.

On July 8, 1996, the Health minister issued Decree 261 prescribing the following:

- 1) Interdiction to perform female circumcision in public or private hospitals or clinics excepted the cases of illness decided by the director of the section of gynaecology and obstetrics in the hospital and on proposition of the treating physician.
- 2) The practice of this operation by a non-physician will be considered as a penal offense according to the laws and regulations.

This second clause is an application of the 1st article of the law relative to the exercise of the medical profession no 415 of 1954 that forbids to non-physicians to exercise this profession under any form.

The ministerial decree satisfied the opponents of female circumcision, but infuriated proponents. Dr. Munir Fawzi and the Sheik Yousef Al-Badri filed a complaint with the administrative court asking it to declare the decree contrary to Islam and the constitution which considers the principles of the Muslim law as the main source of the law. The court agreed, concluding that parliament is the only entity competent to adopt a norm including a penal sanction. The Health Minister appealed, along with the Prime Minister, the president of the Society of Physicians, and some NGOs. On December 28, 1997, the Supreme Administrative Court ruled that the minister acted within his jurisdiction in issuing Decree 261, adding that the penal code prohibits violations of physical integrity of girls by circumcision. The Supreme Administrative Court also decided that:

There is no clear and obligatory Islamic norm concerning female circumcision, based on the Koran or the *sunnah* of Muhammad. The Imams of the four Islamic schools and

¹ Text in: Mu'tamar al-sihhah al-injabiyah, p. 101.

the modern jurists diverged in this domain as for to know if it is a duty or an advisable act.

The court concluded that the minister's decree doesn't violate the constitution, adding:

As circumcision is a surgical act without Islamic foundation that imposes it, the basic norm remains that it should not be performed without therapeutic reason [...]. The surgery, whatever is its nature or its gravity, performed without the realization of the conditions allowing it constitutes an illicit act as regards to Muslim law and the positive law, and this according to the general principle of the person's right to his physical integrity, and to the principle of the incrimination of any non-authorized act violating this integrity.

The Egyptian Parliament decided when discussing the 1996 law relating to children that article 240 of the penal code applies to female circumcision and is sufficient to prohibit it. Therefore, there is no reason to forbid circumcision by enacting a specific norm because the penal code addresses this issue¹.

Chapter 4.

NGOs opposed to female and male circumcision

NGOs play an important role in society and contribute to the formulation of social systems and the moral philosophy at the national and international level. For example, the International Committee of the Red Cross was and continues to be on the basis of the four Geneva Conventions relating to humanitarian international law. The UN recognizes the NGOs' consultative role, a role prescribed by article 71 of its Charter which says:

The ECOSOC may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Many countries grant great importance to the positions of organizations, such as *Amnesty international* and *Green Peace*. Without the pressure of NGOs, the international legislator would probably not have ever dared to address the sensitive topic of female circumcision. The position of the national and international legislature indeed reflects the positions of NGOs.

We start with discussing those NGOs that fight only against female circumcision and then those NGOs that fight against both male and female circumcision.

1) NGOs opposed to female circumcision

There is no country in the world without an NGO that fights, directly or indirectly, against female circumcision. Of particular importance, are the following four specialized NGOs that deal primarily with female circumcision.

A) Inter-African committee

Name and address: Inter-African committee on traditional practices affecting the health of women and children, 147 Rue de Lausanne, 1202 Geneva, Switzerland, tel. (004122) 7312420, 004122, 7320821, fax (004122) 7381923, e-mail: cominter@iprolink.ch, homepage: www.iac-ciaf.ch.

¹ Al-Ahram, 25.2.1996.

This committee arose from another association created in Geneva in 1977, named Group of Work (NGO) on traditional practices affecting the health of women and children. The latter continues to exist, and both are run by Mrs Berhane Ras-Work, an Ethiopian Christian.

The Inter-African committee was created during the Seminar on traditional practices affecting the health of women and children in Africa, held in Dakar (Senegal) February 6-10, 1984. It oversees 31 organizations mainly concerned with female circumcision. Twenty-seven of these organizations are situated in 26 African countries, and four are working with the African immigrants milieus in Belgium, France, Sweden, and the United Kingdom. The Inter-African committee has for objectives:

- To assure the link between various national committees and to help them coordinate their work.
- To endeavour mobilizing the necessary financial resources to allow affiliated organizations to execute projects based on recommendations of the seminar; 5% at least of the budget of these organizations should be financed with the help of national resources.
- To work in close collaboration with various governmental and non-governmental organizations and to establish a link between the Inter-African committee and the Group of Work (NGO) on traditional practices affecting the health of women and children¹.

The Inter-African committee organizes symposia in African countries, and its work is published in French and in English. It also publishes a newsletter in these two languages containing information on its activities and those of affiliated organizations, as well as information mainly on female circumcision but also on other traditional practices such as child marriage, early teenage childbirth, child spacing, nutritional taboos, delivery practices, sexual preferences, etc.

As we indicated in the social debate section of this book, this committee receives help from Western international and national organizations. It received US \$12,500 from the UN in 1995, along with a medal and diploma. It has had a consultative role in the ECOSOC since 1993, and observer's role in the OAU since 1994. It has been charged with missions in many African countries to study the spread of female circumcision in these countries and to establish a dialog with their nationals with a view to abolish this practice. It has participated in meetings of the WHO, UNICEF, UN Commission of human rights and UN Commission on the woman's statute. The WHO and UNICEF participate in its activities as observers, and the Inter-African committee and the HCR work on a common project in refugee camps in Somalia².

In response to my question of why the Inter-African committee is concerned only with female circumcision and doesn't address male circumcision, Mrs Berhane Ras-Work responded in a meeting held in her Geneva Office January 12, 1992: "Male circumcision is mentioned in the Bible. Do you try to create problems for us with the Jews?" I repeated the same question during the international symposium held in Lausanne in 1996. Mrs Ras-Work responded: "Male circumcision is in the Bible and I have circumcised my children". Reporting on the participation of Mrs Ras-Work at this symposium, Inter-African committee's Newsletter No. 20 says:

In her presentation, the President of the Inter-African committee described the various types of female genital mutilation and their heavy consequences on the health of wom-

¹ Rapport du séminaire sur les pratiques traditionnelles, Dakar, 1984, p. 246.

² On the activities of this Committee see Ras-Work: Female genital mutilation, p. 148-151.

en. She explained the achievements registered by the Inter-African committee at grass-roots and international levels; and discussed the religious misconceptions surrounding female genital mutilation which have been clarified by scholars and religious leaders. On the other hand, male circumcision has heavy religious implications and, as such, attempting to undertake a joint campaign against the two practices together was not advised.

The French version of this newsletter is even clearer: "To assimilate the two practices would risk to create a confusion and compromise the success of the campaign led by the Inter-African committee"¹.

B) Rainbo

Name and address: Research, action and information network for bodily integrity of women, 915 Broadway, Suite 1603, New York, N.Y. 10010-7108, tel. (00212) 4773318, fax (00212) 4774154, e-mail: nt61@columbia.edu, homepage: www.rainbo.org

Rainbo was founded in 1994 and is run by Dr. Nahid Toubia, a Christian physician from Sudan. In a letter of presentation dated February 6, 1999, she writes:

We are a technical and educational organization which provides services and information to hundreds of organizations as well as thousands of individuals all over the world. We work in collaboration with local NGO's and professionals in Africa (Egypt, Sudan, Ethiopia, Kenya, Nigeria, Sierra Leone, guinea, Burkina Faso and others) and act as consultants to United Nations and other international organizations. We also have a project to assist African immigrant women with their reproductive health needs in the United States particularly those who have experienced female circumcision.

This organization has several publications in Arabic, English, and French. As its name indicates, Rainbo only addresses female circumcision. According to Dr. Toubia, "given our women focused agenda, male circumcision is not part of our mandate. We support those working to stop male circumcision and believe each organization should have a clear focus based on their priorities and strength". She adds: "We believe that all circumcisions are a violation of children's rights regardless whether the reasons are religious or cultural and should be prohibited by law". In a recent 250-page book on female circumcision by Nahid Toubia with Anika Rahman, only five lines are dedicated to male circumcision:

The discussion here is focused on making a case for FC/FGM as a matter of gender discrimination. This analysis should not be interpreted to imply that male circumcision does not merit its own examination under human rights principles. The authors do not argue against the rights of activists opposing the practice of male circumcision to pursue their case².

C) Egyptian society for prevention of harmful practices

Name and address: Egyptian society for prevention of harmful practices on women and children, 25 Kadri St, Sayeda Zeinab, Cairo, Egypt, tel. (00202) 3914339, fax (00202) 3923718.

This association, founded by Dr. Azizah Husayn, began in 1979 in the setting of the association for family planning. It became independent in 1993. It has several publications in Arabic and English. According to an undated presentation letter received in February 1999, its activities are the following:

¹ Newsletter of the Inter-African committee, no 20, December 1996, p. 12. French version, p. 13.

² Rahman; Toubia: Female genital mutilation, p. 21.

- The sensitization of women in public service and day nurseries, as well as youngsters in clubs, secondary schools, etc.;
- Organizing conferences on motherhood, childhood, family planning, etc.;
- Organizing practicum for nurses, leaders, and other people who have links with the public;
- Organizing practicum for journalists from the radio and television;
- Involvement with governmental and civilian organizations for the establishment of sensitization programs regarding female circumcision and the introduction of these programs in other activities such as reproductive health, domestic education, etc.

The letter of presentation says that the association doesn't address the issue of male circumcision because it is a *sunnah*, according to Muslim jurist, and some physicians say that it doesn't have any harmful effects. It adds: "The association accepts male circumcision because it is a certain sunnah, whereas female circumcision is not mentioned neither in the Koran nor in the Sunnah, and the Gospel forbids it".

D) Egyptian female genital mutilation task force

Name and address: The Egyptian female genital mutilation task force, c/o The Egyptian society for population and development, 26 Street, 6 (off Rd. #82) Maadi - Cairo, tel. (00202) 3500757, fax (00202) 3782643, homepage: www.ncpd.org.eg.

According to a letter of presentation received January 29, 1999, this association was created following the International Conference on Population held in October 1994 in Cairo. Marie Assaad is the coordinator for the task force, which has 115 members, including Egyptians, foreigners, Christians, and Muslims representing 68 NGOs. The task force works in the Egyptian Society For Population And Development. It has different activities and some publications.

The Egyptian female genital mutilation task force exclusively addresses the issue of female circumcision. In a letter dated March 3, 1999, Dr. Seham Abd-al-Salam gave me the following reasons as expressed by Marie Assaad for why the task force doesn't address male circumcision:

- 1) With regard to Egypt, the campaign against male circumcision completely differs from the one against female circumcision.
- 2) We rely in our campaign against female circumcision on the support of famous physicians of good reputation as Dr. Iz-al-Din Uthman, Dr. Nabil Yunis and Dr. Muhammad Fayyad. However, these didn't adopt the cause of male circumcision. Our Association cannot undertake a campaign against this practice without their support.
- 3) The dominant opinion among physicians and religious scholars who sustain our Association is that female circumcision doesn't have a basis in religion or health, contrary to male circumcision. Physicians who sustain us say that male circumcision only touches a skin whose ablation doesn't provoke any harmful effect. They agree that female circumcision is harmful, but they don't agree on the harmful effects of male circumcision.
- 4) The dominant opinion in Egypt is that male circumcision has ancient roots. We have in fact wall engraving that affirms its existence in the times of the Pharaohs. It is mentioned in the Abrahamic law and the dominant exegeses consider it as obligatory for monotheistic religion adepts.
- 5) The dominant opinion within our Association is that if we add the issue of male circumcision to the campaign against female circumcision, we will lose on the two

levels. As it is necessary to determine the priority, our Association chose female circumcision considered more dangerous and more harmful.

It should be noted that Dr. Seham Abd-al-Salam is a vehement opponent of both male and female circumcision.

E) World medical association

Name and address: World medical association (WMA), BP. 63, 01212 Ferney-Voltaire Cedex, France, tel. (0033) 50407575, fax (0033) 50405937, homepage: www.wma.net.

The WMA was created in 1947 "to ensure the independence of physicians, and to work for the highest possible standards of ethical behaviour and care by physicians, at all times"¹. It represents national medical associations and physicians in about 70 countries. The association's united general assembly in Budapest in October 1993 decided that it "condemns the practice of genital mutilation including circumcision where women and girls are concerned and condemns the participation of physicians in the execution of such practices"². The decision recommends the following:

- 1) Taking into account the psychological rights and 'cultural identity' of people involved, physicians should inform women, men and children on FGM and prevent them from performing or promoting FGM. Physicians should integrate health promotion and counselling against FGM in their work.
- 2) As a consequence, physicians should have enough information and support for doing so. Educational programs concerning FGM should be expanded and/or developed.
- 3) Medical Associations should stimulate public and professional awareness of the damaging effects of FGM.
- 4) Medical Associations should stimulate governmental action in preventing the practice of FGM.
- 5) Medical Associations should cooperate in organizing an appropriate preventive and legal strategy when a child is at risk to undergo FGM³.

F) International council of nurses

Name and address: International council of nurses, 3 Place Jean Marteau, 1201 Geneva, Switzerland, tel. (004122) 9080100, fax (004122) 9080101, e-mail: webmaster@icn.ch, homepage: icn.ch.

Founded in 1899, the International council of nurses is represented by 120 countries. In 1995 it adopted a statement entitled *Abolition of practices of female genitalia mutilation*, stating:

Female genital mutilation (FGM) and other harmful traditional practices are a reflection of gender discrimination and violence practiced against women and children in both public and private life and constitutes a violation of basic human rights. FGM is an issue for all nurses, as girls and women who have undergone FGM are likely to suffer a wide range of physical, mental and psychological problems [...].

Nurses, through their national nurses' associations, can undertake programs of information and education on the nature, impact and issues involved in FGM directed toward not only all nurses and other health care professionals but also the public, women, decision makers, religious leaders and other appropriate community groups. In addition

¹ <http://www.wma.net/f/home.html>.

² http://www.wma.net/f/policy/10-24_f.html.

³ http://www.wma.net/e/policy/10-24_e.html

the International Council of Nurses and national nurses' associations can act to discourage and eventually eliminate FGM by joining with other interested parties such as international intergovernmental and nongovernmental organizations; other professionals; local religious leaders, and women's, governmental and pressure groups for the adoption of appropriate policies, strategies and, where appropriate, the enactment of legislation [...]¹.

G) Amnesty International

Name and address: Amnesty International, 1 Easton St, London, WC1X 8DJ, UK, tel. (0044171) 4135500, fax (0044171) 9561157, e-mail: amnestyis@amnesty.org, homepage: www.amnesty.org.

Founded in 1961, AI has chapters in 162 countries and has about one million members. It received the Nobel Prize for peace in 1977.

Amnesty International first tabled the issue of female circumcision at its 1981 International council meeting, in the wake of an increase in worldwide interest triggered by an international conference organized by the WHO in Khartoum, Sudan, in 1979. It refused to fight against this practice because it considered itself concerned only with violations of human rights assigned to states or their representatives, which is not the case with female circumcision, performed by the girl's parents.

Amnesty International eventually expanded its activities to include the fight against the failure of governments to either warn or punish abuses committed by individuals; It considered this failure a violation of government's legal liability. Due to a change in its position, Its International council included female circumcision in its list of activities in 1995. In 1996 it adopted a declaration entitled *Government inaction*, affirming that "the practice of female genital mutilation affects the full enjoyment of human rights by millions of girls" and "the governments' failure to take appropriate action to ensure the eradication of this practice violates international human rights standards". To abolish this practice, the declaration proposes the following points:

- a) Urging governments to ratify and implement international human rights treaties and to uphold other international human rights standards, that might be of relevance in eradicating the practice of female genital mutilation;
- b) Making particular efforts, where appropriate, to include information on the relationship between the practice of female genital mutilation and the enjoyment of human rights in its human rights awareness work; and
- c) Cooperating, where appropriate, in performing these tasks with other NGOs working on the issue.

Finally, the declaration asks Amnesty International groups "to examine the question of taking up cases where a woman or her daughters fear undergoing female genital mutilation if returned to their country"².

In Decision No. 5 of 1997 entitled *Abuses by non-state actors*, Amnesty International estimated that governments have breached their duty to ensure respect of human rights by failing to take action against abuses of human rights by private actors when that abuse would constitute a grave violation of human rights. Therefore, these governments can be considered guilty of complicity in the abuse, and they have failed to exercise due diligence or have been negligent in efforts to prevent or redress the abuse.

¹ icn.ch/psgenital.htm

² www.fgmnetwork/eradication/state/ai.html.

Decision No. 6, also issued in 1997, on *Female genital mutilation*, condemned this practice in all forms and decided Amnesty International would address this practice using the most extensive techniques permitted in relation to abuses by non-state actors.

In its 1997 meeting, the representative of the Amnesty International-Bermuda section presented a resolution proposing that Amnesty International should work on genital mutilation of males as well as females. The section made a presentation about male genital mutilation and referred to the Child's convention. It argued that Amnesty International should not discriminate between males and females in its work on this issue. The resolution was defeated by a large majority. The representative of the Amnesty International-Israel section intervened, arguing that the resolution was a low priority and remarked that she came from a country where all male infants were automatically circumcised. The representative of the Amnesty International-French Canada section estimated that the adoption of such a resolution would bring ridicule to Amnesty International and ended by calling the resolution "*ridiculous*". Neither of these speakers addressed the non-discrimination issues clearly presented. Given the insistence of the representative of the Amnesty International-Bermuda section, the international Council invited her to present a report proving that male circumcision is a human rights violation. If it could be proven that this was the case, the section would be within its rights to do promotional work on this issue. The section accepted the invitation and prepared a report entitled *Bodily integrity for both*¹.

The editor of the magazine *Amnestie*, published by Amnesty International-Switzerland section, addressed this report in one issue. He argued that male circumcision is not similar to female circumcision:

The excision [...] doesn't have a real religious foundation whereas *Genesis* explicitly mentions male circumcision, and the Koranic exegesis admits that it is prescribed as mental and physical hygiene measure. On the other hand, on the embryonic level, the ablation of clitoris is equivalent at the man to the ablation of the penis and not only of the foreskin. Finally, the medical complications bound to the excision cannot be compared with those of circumcision, rather rare and benign².

This same issue contains an interview with Gaby Grosjean, a nurse who worked in Senegal. To the question: "A marginal trend denounces male sexual mutilations, essentially the circumcision. Must we associate to this idea?" the nurse responds: "If we want to rely on the support of the Muslims in the struggle against female mutilations, it is clumsy to associate to the excision male circumcision, which is prescribed by Koranic law"³.

This magazine article is full of inaccuracies and mistakes. It is sufficient to recall that the Koran does not mention male circumcision at all and the latter is contrary to the philosophy of the Koran, as we saw in the religious debate. On the other hand, the mention of male circumcision in the Bible is not sufficient to justify it. Otherwise, it would be necessary to accept the principle of the eye for eye and tooth for tooth, as well as a long list of biblical norms contrary to human rights.

At the time of the conference organized in Rabat by Amnesty International in February 2000, I had extensive discussions with its representatives from London. One of them reassured me that Amnesty International would eventually include male circumcision in its program of action, reminding me that it also entered female circumcision struggle very late.

¹ See *Bodily integrity for both*, p. 3-4.

² *Amnestie*, no 4, January 1998, p. 9.

³ *Ibid.*, p. 13.

H) International commission of jurists

Name and address: International commission of jurists. P.O.Box 216, 81A avenue de Châtelaine, 1219 Châtelaine, Switzerland, tel. (004122) 9793800, fax (004122) 9793801, e-mail: info@icj-org, homepage: www.icj.org.

Founded in 1952, the International commission of jurists has 79 branches in 59 countries. It works in the area of the respect for the law and human rights. Its representative provided a presentation in Spanish on female circumcision to the Subcommittee of the UN on the prevention of the discrimination and the protection of minorities in its meeting of August 4-29, 1997. He rejected the medicalization of female circumcision, considering it a violent violation of the rights of the woman and the girl. This practice constitutes, he said, a cruel and degrading practice. He adds that it is urgent to "fight it without forgetting the great sensitivity of this topic in certain Muslim countries and its complexity". He proposed the enactment of laws against this practice without forgetting the necessity to change the socio-cultural and religious aspects of the life of these societies that perform it. He called upon the international community, the governments affected by this practice, and the national and international NGOs to collaborate to educate, sensitize, and financially and materially provide support to eliminate this practice.

2) NGOs opposed to male and female circumcision

Despite the humanist character of the campaign led by the aforesaid NGOs against female circumcision, this campaign violates the principle of non-discrimination because it disregards male circumcision. To fill this hiatus, several NGOs were created in the United States to fight both male and female circumcision. Because this country (with a 60% circumcision rate) is concerned primarily with male circumcision, these NGOs concentrate their activities on this issue. We present here four of these organizations.

A) NOCIRC

Name and address: National organization of circumcision information resource centers (NOCIRC), POB 2512, San Anselmo, California USA 94979-2512, tel. (00415) 4889883, fax (00415) 4889660, e-mail: nocirc@concentric.net, homepage: www.nocirc.org.

NOCIRC is the largest and most active organization in the struggle against male (and female) circumcision in the United States. It also has ramifications and sympathizers in many other countries. It was founded by two nurses: Marilyn Fayre Milos and Sheila Curren¹. The co-founding and present president of this association, Marilyn Fayre Milos, became interested by this topic after having attended a routine male circumcision operation as a nurse. This event changed her life, and she began to gather documents on this topic. She then met with a colleague, Sheila Curren, who prepared an educational video on the informed consent for a class she was taking. On the complaint of a certain staff physician named Blum, a hospital committee interrogated the two nurses to determine why they made the video. Their answer was: "To inform parents and protect babies from unnecessary surgery". The committee applauded their efforts and said it would do anything it could to help them make sure parents saw the video. But hospital officials, doctors, and especially one clinical nurse made sure parents didn't see it. It was censored. A short time later, Milos was censored (fired). She founded NOCIRC in 1986 with her colleague.

NOCIRC sends a newsletter to 15,000 persons or entities, publishes booklets in English and Spanish, and organizes international symposia on sexual mutilations. The first symposium (1989), the second symposium (1991), and the third symposium (1994) were held in the United States, while the fourth was held in Lausanne (1996), the fifth in Oxford (1998),

¹ Information from a letter received on 2.1.1997.

and the sixth in Sydney (2000). The first symposium, held in California, adopted a historic declaration March 3, 1989, containing NOCIRC's founding principles:

We recognize the inherent right of all human beings to an intact body. Without religious or racial prejudice, we affirm this basic human right.

We recognize that the foreskin, clitoris and labia are normal, functional body parts.

Parents and/or guardians do not have the right to consent to the surgical removal or modification of their children's normal genitalia.

Physicians and other health-care providers have a responsibility to refuse to remove or mutilate normal body parts.

The only persons who may consent to medically unnecessary procedures upon themselves are the individuals who have reached the age of consent (adulthood), and then only after being fully informed about the risks and benefits of the procedure.

We categorically state that circumcision has unrecognized victims.

In view of the serious physical and psychological consequences that we have witnessed in victims of circumcision, we hereby oppose the performance of a single additional unnecessary foreskin, clitoral, or labial amputation procedure.

We oppose any further studies which involve the performance of the circumcision procedure upon unconsenting minors. We support any further studies which involve identification of the effects of circumcision.

Physicians and other health-care providers do have a responsibility to teach hygiene and the care of normal body parts and explain their normal anatomical and physiological development and function throughout life.

We place the medical community on notice that it is being held accountable for misconstruing the scientific database available on human circumcision in the world today.

Physicians who practice routine circumcisions are violating the first maxim of medical practice, *Primum Non Nocere*: "First, Do No Harm", and anyone practicing genital mutilation is violating Article 5 of the United Nations Universal declaration of human rights: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment..."

B) Nurses for the rights of the child

Name and address: Nurses for the rights of the child, 369 Montezuma #354, Santa Fe, NM, 87501, USA, tel. (00505) 9897377, e-mail: nrc@cnsf.com, homepage: www.cirp.org/nrc.

The story of this organization began in October 1986, when four nurses at St. Vincent Hospital in Santa Fe, New Mexico, decided not to participate in infant circumcision. They informed their supervisors of their decision, but their supervisors said they had no right to refuse to participate¹.

After four years, these nurses determined they didn't have to ask for authorization to take a moral position. Ultimately, 20 other nurses joined them, three of which are Jews. In October 1992, the nurses declared themselves as "conscientious objectors to circumcision". In September 1993, the nursing supervisor informed them that they could give parents information about circumcision only following a physician's order. In April 1994, the supervisor informed them that all nurses in the department were required to assist in all pre-and-post-operative stages of circumcision surgery, but the nurses persisted in their refusal.

¹ Information from a letter received on 15.1.1997. For more information see Sperlich; Conant; Hodges: R. N. Conscientious objectors; Conant; Sperlich: Nurses for the rights of the child.

As the hospital became increasingly polarized on the circumcision issue, the work atmosphere deteriorated, prompting the conscientious objectors to call for professional mediation. In January 1995, months of mediation resulted in a legally binding document, known as a *Memo of understanding for circumcision procedure*¹. This document was signed by a representative from the *Nurses New Mexico Health care union*. According to this document, the administration agrees that the conscientious objector nurses will be relieved of duties of circumcision: witnessing the consent, dispensing pre-op medications, preparation of the room, assisting with the procedure, immediate post-op care, such as stopping bleeding and applying Vaseline dressing, cleaning up afterwards, disposing of the amputated foreskin, and stocking the room. It is sufficient for this that the nurse addresses a letter to the person responsible of nurses declaring that she is a conscientious objector.

In June 1995, two nurses, Mary Conant and Betty Katz Sperlich (a Jew) convened a press conference announcing the foundation of their association. They began a campaign for the introduction of anaesthesia during routine male circumcisions to relieve the child's pain, considering this campaign one step closer to the total abolition of circumcision. This association informs Jewish parents that there is an alternative to circumcision and gives addresses of groups that can help them in this sense.

As consequence of these nurses' efforts, the number of circumcisers at the hospital dropped from about twenty to six. Some of the circumcisers stopped performing the procedure altogether, while others retired or moved away. Several circumcisers moved the surgery to their offices. Office circumcision decreases the number of circumcisions because parents sometimes cancel post-natal circumcision appointments once they have an opportunity to bond with the baby and do not want him to be hurt. Often they accept his intact genitalia, or they simply find it inconvenient to take the baby to the office.

It should be noted that immediately after the signing of the memorandum, one of the nurses resigned from St. Vincent Hospital stating that she "could no longer accept blood money".

C) Doctors opposing circumcision

Name and address: Doctors opposing circumcision, 2442 NW Market St, Suite 42, Seattle, Washington 98107, USA, e-mail gcd@u.washington.edu, homepage: faculty.washington.edu/gcd/DOC.

This organization was founded in 1995 by Dr. George Denniston. After only one year of activity, it had members from all 50 U.S. states, as well as Canada and other countries. Some of the group's members are even Jewish physicians. The association has activities in the United States, Canada, Australia, and Great Britain. Its objective is to influence medical students and the American academy of paediatrics. According to a letter of its founder received February 20, 1997:

We oppose male and female circumcision, and recognize that we would be discriminating against one gender if we only opposed the other. We do not approve of religious circumcision, but we do not oppose it. We recognise religious freedom, and the right of each religious group to decide for themselves, and of each individual to decide for himself or herself. We oppose circumcision of children for any other reason.

D) Attorneys for the rights of the child

Name and address: Attorneys for the rights of the child, 2961 Ashby Ave., Berkeley, CA 94705, USA, tel. (00510) 8484437, e-mail: arc@post.harvard.edu, homepage: www.noharmm.org/ARC.htm.

¹ See http://nurses.cirp.org/Memorandum_of_Understandin.html

This organization was founded in 1997 by a lawyer named J. Steven Svoboda, who is its current president. It has approximately 20 members and a mailing list with several hundred supporters on it. It aims to change the law and physicians' attitude through the judicial system. Its members participate in symposia and broadcasts of radio and television and publish articles in different periodicals. They try to develop a fund to support legal actions regarding circumcision and long-term financial support for all organizations fighting for genital integrity. They prepare a comprehensive listing of all relevant statutes worldwide, for posting on their web site.

Svoboda proposed in the 5th international symposium in 1998 to present to the UN a request for issuing a resolution considering male circumcision a violation of human rights. This resolution asks the UN to establish a working group or a special rapporteur on traditional practices affecting the health of males, to urge each affected country to pass legislation against male circumcision, to terminate all public funding of any hospitals where male circumcision is performed, and to submit progress reports to the UN every year. Finally, the resolution asks the WHO to begin researching male circumcision and to call a conference to discuss this issue¹. It is clear from these elements that Svoboda would like the UN and WHO to extend their work against female circumcision to male circumcision.

A most interesting proposition was one presented at this symposium by the lawyer Charles A. Bonner, a member of this organization. Bonner has asked the for the adoption of a resolution against male and female circumcision in the following terms:

- A) A person who in whole or in part circumcises, excises, infibulates, or otherwise modifies or removes the labia majora, labia minora, clitoris, prepuce or other external male or female genitalia of a child is guilty of a felonious crime and is punishable by imprisonment for not more than 10 years or a fine of not more than \$5000,00, or both;
- B) Subsection (A) does not apply to a surgical procedure performed by a physician that is for one or more of the following:
 - 1) Necessary to treat clinically verifiable disease or trauma after all non-surgical therapeutic options failed.
 - 2) Necessary to correct a congenital anatomical abnormality that imperils the immediate health of the individual.
 - 3) Performed on an individual who is in labour or who has given birth and is for an emergency medical purpose connected with that labour or birth.
- C) It is not defence to a violation of subsection (A) that the person believed the violation was required as a matter of custom, ritual, or standard of practice.
- D) As used in this section, "physician" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery as defined under the governmental laws of Member States.

The proposition asks also

- That the UN establish a committee of representatives of Member States to monitor and report compliance with the UN resolutions and declarations prohibiting all forms of child mutilations world-wide;
- This committee should employ mechanisms to require Member States to obligate medical care facilities to maintain records of, and report annually to the UN committee on each and every case of child genital mutilation;

¹ Svoboda: Attaining international acknowledgment, p. 465-469.

- That the UN impose severe sanctions on Member States whose governments fail to protect children from child genital mutilations, including withholding of benefits, and the imposition of an embargo.

Finally, the proposition contains a norm concerning asylum for those who escape genital mutilation. This norm is formulated as follows:

- 1) That the United States be petitioned to direct the Red Cross to disseminate information informing citizens of Member States of the availability of the Red Cross as a "safe harbour" for asylum for minors at-risk of genital mutilation;
- 2) That the United Nations direct the Red Cross to act as an observer in connection with the asylum request of unaccompanied refugee children seeking asylum, and that the Red Cross seek residence status with countries for refugee children seeking to escape genital mutilation¹.

E) Other organizations

Other organizations fighting against male circumcision in the United States are the following:

- NOHARMM: National organization to halt the abuse and routine mutilation of males
homepage: www.noharmm.org
e-mail: info@noharmm
- Circumcision resource center. This is a Jewish organization.
homepage: www.circumcision.org
e-mail: crc@circumcision.org
- Mothers against circumcision
homepage: www.mothersagainstcirc.org/index.html
e-mail: MaryRay@mothersagainstcirc.org
- NORM: National organization of restoring men
homepage: www.norm.org
e-mail: waynerobb@aol.com

Additional organizations can be located simply by performing an Internet search using the search term *circumcision*.

F) Demand made to the International court of justice

In 1986 James W., Prescott, director of the Humanist Science Institute, in San Diego, presented a declaration to the Council of Directors of the American Humanist Association against male and female circumcision. The Council sent the declaration to a committee for study, but the committee never responded due to Jewish influence, according to Prescott.

In 1995 on occasion of the concession of *The Humanist of the Year Award* to anthropologist Ashley Montagu, Prescott changed the name of his declaration in:

Ashley Montagu resolution to end the genital mutilation of children worldwide and submitted it again to the Council of Directors of the American Humanist Association, but in vain. In 1996, he presented it to the fourth international symposium held in Lausanne; this time it was accepted unanimously by participants.

¹ Bonner: The Oxford Declaration

This declaration requests all heads of state, the Secretary general of the UN and Amnesty International to petition the International court to declare that genital mutilations of children violate the Universal declaration and the Child's convention. It requests that all national governments pass legislation prohibiting the practice of torture, cruelty, inhuman, and degrading treatment of children that is inherent in genital mutilations of children that are conducted as a matter of socio-cultural and religious customs. It calls upon all national governments and their associated agencies to educate health professionals, parents, and the general public on these issues, specifically, the medical, psychological, sexual, and mental health hazards inherent in genital mutilations of children, and to dispel myths and superstitions that encourage genital mutilations of children.

After the 4th international symposium adopted the declaration, Prescott submitted it to the International ethical and humanist union, the American ethical union and Amnesty International, but without success. He then presented it to Queen Sylvia through the embassy of Sweden in the United States, but the Queen refused to present it to the International court of justice. One of his friends tempted to solicit the support of another head of state, but without result¹. It should be noted that the International court of Justice only acts upon the demand of states.

This epic adventure, thus far, demonstrates that we are before a pot of clay facing a pot of iron. However, proponents of male circumcision are not necessarily right, despite the complexities of which they benefit. Indeed, male circumcision violates the same fundamental principles as female circumcision, principles confirmed in many international and national documents, as we will see in the following chapters.

Chapter 5.

Circumcision and human rights

Neither the UN or its organizations, nor the Council of Europe, nor Western legislatures have addressed the issue of male circumcision. As these institutions remain quiet, one cannot expect the OAU or African legislatures to open their doors to address the issue. Some have tried to justify the practice of male circumcision invoking religious and cultural rights, but such a justification can also apply to female circumcision, which has been nearly unanimously rejected. In any case, both practices violate individual rights, notably the right to physical integrity and life, the right not to be submitted to inhuman treatment and torture, the right to the modesty, and the right to respect of the dead when circumcision takes place after death. These are the topics we will develop in this chapter.

1) Legislature's silence concerning male circumcision

The UNO and its specialized organizations have always established a clear distinction between female circumcision, which they condemn, and male circumcision, which they are silent about, without ever making a scientific survey justifying the distinction.

A distinction has already been made just at the semantic level. That is, these organizations used to use the term *female circumcision*, but changed to *female genital mutilation* in 1990, keeping the term *circumcision* for only male circumcision. Male circumcision has never been qualified in international documents as a mutilation.

¹ Information from a letter received from Prescott on 7.3.1997 and from his article: Prescott: The Ashley Montagu resolution.

During the UN seminar in Ouagadougou (Burkina Faso) in 1991, participants asked for a way to dissociate, in the minds of people, male circumcision from female excision. Three reasons were invoked against female circumcision: it is based on superstitions, it is not mentioned in the Bible or the Koran, and it is harmful to women's health. As for male circumcision, it was deemed to have a hygienic value¹.

The overview of female circumcision written by Toubia and Izett and published by the WHO in 1998 gives these justifications for the distinction between male and female circumcision:

Female circumcision is no different from male circumcision, as both are cutting rituals performed on a child with no demonstrated positive impact on health. One difference between the two practices is that male circumcision is a clear requirement of some religions while female circumcision is not. The most important difference, however, is that even the most minimal form of female circumcision can affect a girl's normal sexual function. Evidence in the medical literature on the effect of circumcision on male function is not as yet well established².

I addressed a set of questions to Mrs Halimah Al-Warzazi, special rapporteur of the UN on traditional practices, in order to have a clear idea about the UN's position and the reasons why it distinguishes between male and female circumcision. I reproduce here my questions and the answers I received in a letter dated January 7, 1997, with only minor formal modifications:

- Q. Are you fighting against male and female circumcision or only against one of them? If you fight against one of them, which one? Why do you neglect the other one?
- A. On the level of the UN, only female circumcision is considered a harmful practice that it is necessary to abolish. The question of the circumcision of female child is excluded therefore of the preoccupations of the UN. I consider that this practice, apart the fact that it is religious for the Jews and the Muslims, is a hygienic element that American physicians perform at the time of childbirths to all, be they Jews, Muslims, Catholics or other. Therefore, it doesn't seem to me suitable making an amalgam between female circumcision considered as dangerous for the health and male circumcision that, on the contrary, is beneficial.
- Q. Do you agree that persons or groups who do not practice male and/or female circumcision may fight against these practices? For example do you accept that whites fight against male and/or female circumcision practiced by blacks, Christians fight against male/or female circumcision practiced by Muslims or Jews? If yes, why? If no, why?
- A. The question as asked seems to me of discriminatory character regarding to the colour and the religion. If the UN fights against female circumcision, this is not for reason of colour or religion, but to protect women and children of the multiple misdemeanours of this practice.
- Q. Do you accept religious male and/or female circumcision on children? On consenting adults? Whatever be the religion: Islam, Judaism, Animism?
- A. I share the medical opinion on circumcision of males whatever the religion of the children or the adults.

¹ E/CN.4/sub.2/1991/48, 12.6.1991, par. 27.

² Toubia; Izett: Female genital mutilation, an overview, p. 3

Q. Do you accept cultural male and/or female circumcision on children? On consenting adults? Whatever be the culture: Western or non-Western culture?

A. I don't accept female circumcision. The refusal and the dismissal of this practice don't have anything to do with culture. The United Nations consider that any breach to the physical integrity of women and little girls with the consequences which result from circumcision is a violation of human rights.

Q. Do you accept that (non-medical) male and/or female circumcision for cultural or religious reasons be practiced by physicians on children? On consenting adults (indicate the age)? Physicians cannot cut the healthy finger or ear of a consenting adult. Do you consider this should be also the case for male and/or female circumcision?

A. My answer evidently concerns solely female genital mutilation (female circumcision). I am for the total eradication. No physician should perform female circumcision.

Q. Do you accept that the law forbids and punishes (non-medical) male and/or female circumcision? Even if (non-medical) male and/or female circumcision are practiced for religious or cultural reasons? Even if the victim is adult? What kind of punishment do you recommend? Against the parents of the child? Against the adult circumcised? Against the physician?

A. The question of female genital mutilation because of its cultural character (it is not religious) must be solved with a lot of tact. Education and information must first precede punitive laws because these risk the wanted results of pushing parents to proceed to clandestine circumcision of their little girls. On the other hand, physicians should be punished. To note that lately, the Egyptian Government promulgated a law in this sense. As for the woman who would expose herself voluntarily to this practice, what is not frequent, the only action to undertake would be to bring her help in the event that she would require it.

Q. Do you consider that parents can consent for their children in the practice of (non-medical) male and/or female circumcision? If yes, until which age?

A. (No answer).

Q. Some groups consider the fighting against male and/or female circumcision as imperialistic, anti-Semitic, anti-Islamic, anti-Blacks attitude? Do you worry about that accusation? What would be your answer to such accusation? Have you ever been accused? By whom?

A. As long as the struggle against female circumcision stands on position of victim protection and the struggle against practices considered human rights violations, no one must get worried of what a person or a group of persons thinks. Today, this struggle is engaged with success. The fact that female genital mutilation is not anymore a taboo topic demonstrates that the international community is on the right path.

I felt it was my duty to respond to Mrs Al-Warzazi. Thus, in a letter dated February 14, 1997, to which I attached some of my articles, I wrote the following:

Your arguments are very interesting, even though I don't share them for three reasons:

- It is wrong to accept any breach to a person's physical integrity whatever is his or her sex or religion, except for a real, and present medical reason.

- The hygienic pretext is too narrow. One cleans the teeth and doesn't pull them out... except when they are decayed beyond repair.
- American physicians perform male circumcision, but there are also in the U.S. physicians and nurses who are strongly opposed to this practice, contrary to medical deontology. The practice of slavery in the U.S. in the past doesn't legitimize slavery today, or should it!

Personally, I am opposed to male circumcision as much as female circumcision. To consider one and not the other is also a matter of sexual discrimination. I consider the UN as accomplice in this crime committed against children. I ask you to inform the subcommittee that elected you.

Mrs Al-Warzazi answered by fax dated May 16, 1997, as follows:

Thank you for your letter and documents that you sent me.

As for your position on male circumcision, I will present it to the Subcommittee, while telling it that the UN are not at all an accomplice to the fact that about hundred million women of by the world allow themselves to wear earrings because they have been pierced.

I believe that it is a polemic that we could drag out a long time if I had to give you other examples.

I don't believe that it is just to impute with so much lightness a crime of this nature to our organization that made so many advances in human rights.

To have an opinion is a thing that one has the right to see respected. But to impose it, undoubtedly, is an act of intolerance that the international community doesn't stop fighting.

Mrs Al-Warzazi made reference to our correspondence in her report on the traditional practices of 1997. She says:

Certain universities are beginning to take a closer look at the problem. In early January 1997, for example, a lecturer from the Swiss Institute of Comparative Law sent the Special Rapporteur a questionnaire that was to serve as a basis for a book on male and female circumcision. In her reply, the Special Rapporteur made a point of mentioning that circumcision of male children did not concern the United Nations as only female circumcision was deemed a harmful practice to be eradicated. Consequently, it would seem inappropriate to consider together both female circumcision, which is harmful to health, and male circumcision, which has no undesirable effect and is even considered to be beneficial¹.

In her last report of 2000, Mrs Al-Warzazi indicates that she received a few letters condemning male circumcision, but she insists her mandate is limited to female circumcision. She pretends that the harmful effects of male circumcision cannot in any way be compared or equated with the violence, danger, and risk faced by girl children and women. She also insists that male circumcision may be related to a lower risk of HIV transmission from women to men².

Thus, it can be concluded that the religious bases of male circumcision, the trivialization of its health implications (compared, for example, to ear piercing), or even its beneficial effect are reasons the UN uses to justifying not leading a campaign against routine male circumcision. We can also say that female circumcision has a religious basis in the eyes of those

¹ E/CN.4/Sub.2/1997/10, 25.6.1997, par. 18.

² E/CN.4/sub.2/1991/48, 12.6.1991, par. 27.

who perform it, including even animists. On the other hand, the UN and its organizations have never made a study on the harmful effects of male circumcision. Let's also recall that some forms of male circumcision are more harmful than some forms of female circumcision.

What this discussion has illustrated is that the true reason behind the UN's silence is political. We already spoke of this possibility in the social debate. I asked Dr. Leila Mehra from the WHO: "Why the WHO is concerned only with female circumcision and doesn't consider male circumcision?" She responded in a meeting held in her Office in Geneva on January 12, 1992: "Male circumcision is mentioned in the Bible. Do you want to create problems for us with the Jews?" The same day, I met Mrs Berhane Ras-Work, president of the Inter-African committee in her office in Geneva. Strangely enough, she gave me the same answer, illustrating that the two of them undoubtedly consulted each other before meeting with me. I tried to obtain clarifications from the WHO in Geneva on its repeated position, as I had done with the UN. But the responsible persons limited themselves by only sending publications on female circumcision, without answering my questions concerning male circumcision. I then turned to the regional office of the WHO in Alexandria. This office proceeded in the same way. I persisted, whereupon the office told me that if I wanted to have answers to my questions, I would have to assume an expert's expenses. I reduced my questions to only one:

The WHO took official position concerning female circumcision. Is there an official position of the WHO on male circumcision. If not, why?

By email of January 5, 1999, Mr Adil Salahi, public information officer, answered:

Your correspondence with Dr. Hafez, Director, Health protection and promotion and Dr. R. Mahaini, Regional advisor on reproductive, family and community health, has been referred to me.

I would like to tell you that they have dealt with you on trust, thinking that you are undertaking a serious study. However now that we have a clearer picture of your endeavours, you are advised that the WHO extends its assistance to all countries and communities, showing sincere respect to people's traditions and beliefs. It condones no attempt to decry the religious beliefs of any community. Hence we wish to have nothing to do with your project or your writings. We will not engage in any further correspondence with you. This is the end of the matter.

If we look in the documents of the CE, we notice they make no mention of male circumcision. This topic has never been discussed within the Council. A June 22, 1999, letter of the European Court reads: "the Council of Europe [addresses] problems raised inside by the various institutions that work there. If a particular problem was not taken in consideration, it is probably because it has not yet been denounced in adequate manner". Another letter of the European Parliament of July 12, 1999, also confirmed that male circumcision has not been treated by this Parliament.

2) Male and female circumcisions and non-discrimination

A) The principle of non-discrimination

The condemnation of female circumcision and the silence facing male circumcision, without a valid scientific justification to distinguish the two translate into:

- a recognition of a right afforded women that is denied men;
- the condemnation of the African culture that practices female circumcision and the acceptance of Western culture that doesn't participate in this practice but does practice male circumcision; and

- the refusal to protect children of Jews and Muslims by fear of political consequences.

The international and national legislatures, as well as the NGOs, that adopt the same position, violate a fundamental principle of human rights: the principle of non-discrimination. This principle is mentioned practically in all international documents and Western and African constitutions. We mention here some articles:

The Charter of the UN

Art. 1 - The purposes of the United Nations are [...]

3) To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

Art. 55 - [...] the United Nations shall promote: [...]

c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The Universal declaration

Art. 2 par. 1 - Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Art. 7- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.

The Child's convention

Article 2 par. 1 - States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

The Egyptian Constitution of 1971:

Art. 40 – The citizens are equal in front of the law. They have the same rights and the same public duties, without discrimination for reason of sex, origin, language, religion or belief.

The Oath of Geneva of the WMA:

I will not permit considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, or social standing to intervene between my duty and my patient¹.

The Declaration on the rights of the patient of the WMA:

- Every person is entitled without discrimination to appropriate medical care.
- Every patient has the right to be cared for by a physician whom he/she knows to be free to make clinical and ethical judgments without any outside interference².

To avoid transforming the principle of non-discrimination in a propaganda slogan empty of any meaning, this principle must find application in decisions of the institutions that preach

¹ http://www.wma.net/f/policy/17-a_f.html.

² http://www.wma.net/f/policy/17-h_f.html.

it. If these institutions violate it, their decisions become invalid even though these decisions have been taken in unanimity. To validate these decisions, it is necessary either to suppress the principle of non-discrimination of their laws, or to give a valid justification for the discrimination they practice.

Taking into consideration this argument, the Amnesty International-Bermudas section stated that the decisions of Amnesty International against female circumcision are invalid since they don't apply simultaneously to male circumcision. The statutes of Amnesty International indeed forbid the discrimination based on sex. Male circumcision is a violation of human rights, just like female circumcision. Therefore, Amnesty International must lead a campaign of struggle against these two practices¹.

B) Lack of reasons for discrimination

a) Difference between the two circumcisions

There would be justification for distinguishing female circumcision from male circumcision if the two acts differed substantially. However, the distinction between these two practices is more illusionary than realistic. Both are violations of a minor's physical integrity without his or her consent and without medical reason. Lightfoot-Klein interviewed people in Africa who perform female circumcision and in the United States who perform male circumcision. By juxtaposing their sayings, she proved that the two practices are similar. Her conclusions are as follows:

Both groups claim that their respective sexual mutilation practices are minimal, painless, beautifying, medically indicated, hygienic, prophylactic, sexually improving, universal, medicalised, and harmless. Both excised African women and excised American men are reluctant to believe that they have lost anything. In their denial, they convince themselves of the illusion of their intactness by allowing, openly or tacitly, their own daughters and sons, respectively, to undergo the same procedure. They justify their attitudes throughout the belief that these surgeries are a matter of tradition and/or scientific or medical necessity. In light of these attitudes, any statement that sexual mutilation is harmful is resisted by excised women and men in an attempt to assure themselves of their normality, and to alleviate the guilt they would have for having condoned the circumcision of their own children².

Lightfoot-Klein adds:

Enlightened Westerners, existing in a world far removed geographically and psychologically from the strange and disturbing practices of sexual mutilation in Africa, may be tempted to disregard them as something that does not concern the West. The practice of female circumcision, which many Westerners regard as barbaric and irrational, however, has had its parallels, throughout history in secular male circumcision, as practiced in the United States. The reasons given for female circumcision in Africa and for routine male circumcision in the United States are essentially the same. Politically, the underlying similarities between male and female sexual mutilations are that both are perpetrated by force on the generally unanaesthetised, helpless bodies of unconsenting infants and children³.

b) Positive discrimination

The legislature can positively discriminate in favour of an oppressed group to bring him up to par with a privileged group. So, one can encourage women in the domain of political

¹ Bodily integrity for both, p. 19-21.

² Lightfoot-Klein: Similarities, p. 135.

³ Ibid., p. 131.

rights or access to jobs by giving them privileges because they were deprived for a long time of these two rights. This "positive discrimination" stops when the number of women in these two domains becomes equal to that of men. This sort of discrimination, however, cannot be invoked in the domain of circumcision because male and female children are all victims of this practice. Furthermore, male children are victims in a greater number (13 million per year) than the female children (2 millions per year).

c) Gravity of female circumcision

There may also be justification to discriminate between female and male circumcision if female circumcision were manifestly more serious than male circumcision, as many documents emanating of the WHO and other international and no-governmental organizations declare. Both female and male circumcision have several degrees. Certainly, the Pharaonic circumcision of women is more serious than male circumcision of the 1st and the 2nd degree. But there is no doubt that male circumcision of the first degree is equivalent to female circumcision of the first degree, or even more serious than the latter.

We saw in the first part of this work that circumcised women of Oman consider male circumcision more severe than female circumcision performed in this country where only the tip of the hood of the clitoris is cut. Therefore, if we take into consideration the argument of the gravity of the operation, the legislature either needs to condemn all degrees of male and female circumcision or establish reprehensible and tolerated degrees in the two practices. But the legislature condemns all degrees of female circumcision from the lightest to the most severe, and tolerates all degrees of male circumcision from the lightest to the most severe.

Even assuming that female circumcision is generally more severe than male circumcision, this fact doesn't justify the acceptance of male circumcision, because male circumcision also constitutes a violation of the right to physical integrity. By analogy, one can say that the murder is a more serious offense than rape or theft. It doesn't mean that the legislature has to be concerned solely with murder and let rapes and thefts go unpunished. The severe mutilation of female children in Africa doesn't in any way diminish the gravity of the human rights violation inherent in mutilating the genitals of male children in a country such as the United States¹.

The legislature cannot close its eyes to a violation of physical integrity of one group while at the same time condemn a violation of the physical integrity of another on the basis of differences in the gravity of the violations. The legislator must punish all medically unjustified violations, even though the severity of the punishment must correspond to the gravity of the specific violation. The generalization that female circumcision is severe and must be forbidden and punished, while male circumcision is insignificant and must be tolerated is a legal aberration.

d) Priority of the struggle against female circumcision

Even if we were to admit that female circumcision is in general more severe than male circumcision (which is far from the truth), there would be justification to grant priority to abolishing female circumcision over male circumcision if we conclude that simultaneously fighting two battles could be harmful to both or even one battle. Movements that fight against female circumcision without addressing male circumcision frequently use this argument. The most generous concede male circumcision is important, but conclude that the issue comes in second place, after they eventually win the battle over female circumcision.

¹ Boyd, p. 135.

Besides the fact that female circumcision is not more severe than male circumcision, such an argument is immoral and counterproductive. Such an argument is immoral because it is used to inflict an unjust pain on male children under the pretext that their sisters endure more than them. The injustice committed against girls doesn't justify the injustice committed against boys, and the pain of girls doesn't suppress the pain of boys. Circumcision is one of aspects of violence in society, and it influences human reports inside society regarding men and women. This violence can't be tolerated against men and yet forbidden against women. If we permit the violence against men, this violence will be harmful to women sooner or later. Male circumcision aims to deprive women of their right to sexual pleasure with an intact man, as explains Maimonides¹.

Such an argument is also counterproductive. Indeed, families that perform female circumcision also perform male circumcision. The two operations often carry the same name, as it is the case in Arabic: *taharah*, purification. A family that knows these two practices cannot understand why it has the right to purify its boys but not its girls. And if we start distinguishing between men and women, one risks having a separation in the solidarity between the two groups. A circumcised man who doesn't feel protected by women will be reticent to protect circumcised women. There would be disengagement on behalf of men. However, the battle against male and female circumcision needs the two groups' effort. All suspicion on behalf of a group towards the other will only weaken their ranks. Boyd, an opponent of male circumcision, reports that at one film showing and forum he attended on female circumcision in Africa, it was announced at the outset that no discussion at all of male circumcision would be permitted. He got up and started to walk out, only to be booed and heckled by some of the women in the mostly female audience. One of his friends was devastated for months after something similar happened to him². Men and women will all win by remaining united, and they will all lose by dislocating themselves.

Let's note in this respect that movements against male circumcision are without exception also against female circumcision, even though the movements see in the laws forbidding this practice an implicit consecration of male circumcision. Facing these discriminatory laws, these movements tempt not to abolish them, but to spread them so that they cover also male circumcision³.

e) Argument of virility

Some argue male circumcision is different from female circumcision because the former is geared toward training young boys to develop skills associated with power and control, not to reinforce their submissiveness and make them feel they are second-class citizens as are the girls with female circumcision. They further argue that male circumcision does not damage the penis, the organ for sexual pleasure, contrary to female circumcision that destroys the organ for sexual pleasure in the female through the cutting of the clitoris⁴. This argument is, however, not valid everywhere. Some groups see female circumcision as a means of reinforcing femininity and sexuality and encouraging their integration in society. Male circumcision, on the other hand, serves to reduce sexual pleasure in a man and affirm the domination of the father or the community over males.

Even supposing this argument is valid in certain groups, it cannot serve as justification to forbid female circumcision and tolerate male circumcision. This sort of tolerance perpetu-

¹ Maimonides: The Guide for the perplexed, section III, chapter 49.

² Boyd, p. 132-133.

³ Svoboda: Routine, p. 212.

⁴ Dorkenoo, p. 52.

ates the social clichés of man's superiority over women. The Convention for the elimination of discrimination against women says in article 5:

States Parties shall take all appropriate measures

a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes [...].

It is, therefore, the duty of the international legislature to suppress male circumcision as a custom that reinforces the superiority of circumcised men over women and uncircumcised men, for the same reason as it must suppress female circumcision as mark of inferiority¹.

f) Women refuse the distinction

If we review the organizations that fight against male circumcision, one notes that women form the iron of the spear in this battle. This is the case, for example, with NOCIRC, Nurses for the Child's Rights, and Mothers Against Circumcision. Dr. Michel Odent said, in the fifth international symposium that took place in Oxford in 1998, that at the time of the first two international symposia on the circumcision, women were promoters and formed the majority of participants. It is only subsequently that men entered the fight and have ultimately presented specific technical research against male circumcision. Odent assigned this phenomenon to the fact that women are more sensitive than men. But it may also be possible some feel guilt for not having protected their male children against men who mutilated them. Finally, perhaps others are reacting against a frustrated sexual life with circumcised men.

Moreover, men know they need the support of women. As Dr. Denniston writes in this respect:

One key to eradicating circumcision may lie with the women of America. When women learn that circumcision causes great pain, disrupts maternal bonding, and permanently disfigures female body, they will rise up to protect their sons. When women learn that circumcision deprives a man of his full sexual capacity, and that circumcision thereby deprives a woman of a fully equipped, fully functioning partner, they will act to stop this practice².

In any event, the protection of children is unquestionably the first duty of mothers. If they disengage themselves of this battle, the child will never find support on behalf of men. In Arabic language, the term mercy (*rahmah*) and the term womb (*rahm*) have the same root. The mother who carries the child in her womb is the most merciful person toward him. For this reason, the feminist movements that fight solely against female circumcision leaving male circumcision behind violate an essential law of the human life. One can even wonder if they don't lack humanity and maternal instinct.

g) Political arguments

As stated previously, the real reason behind the refusal of international and national legislatures and NGOs to commit themselves against male circumcision is undoubtedly political: the fear to be labelled an anti-Semite or anti-Muslim. If this conclusion proves exact, we are facing a politicization of human rights, which means that these organizations align themselves on political positions. To please the Jews and the Muslims, or because of fear of these two groups, they violate the child's rights. In the process, they are losing their credibility for many.

¹ Bodily integrity for both, p. 8.

² Denniston: Tyranny, p. 236

There is a reason this conclusion is not mentioned in these organizations' documents. It is, in fact, unimaginable that they would overtly display their fear. But in moments of distraction or in tête-à-tête discussions, some confess the shameful: "Yes, we are afraid to be labelled anti-Semite or anti-Islam"; "Yes, we want to avoid problems with these groups". I myself have heard these answers with my own ears several times on behalf of Mrs Dr. Leila Mehra from the WHO, of Mrs Berhane Ras-Work from the Inter-African committee and of others. Some will say it in a more diplomatic manner: "We act in the setting of the mandate that the UN confides us. And as we are only charged of female circumcision, we will therefore limit us to the latter". This affirmation is clearly mentioned in the 2000 report of Mrs Al-Warzazi discussed previously¹.

Thus, it is not difficult to conclude that if the silence concerning male circumcision is dictated by politics, the campaign against female circumcision is also dictated by politics. We mentioned that Oman has a very high rate of female circumcision, yet the UN, WHO and other organizations never worry about this country, contrary to what happens in Egypt. The president of Oman's Women Association has speculated that Oman is not a political goal for many countries, contrary to Egypt. For her, the campaign against female circumcision is above all a political campaign.

Certainly, we would not ask that the campaign against female circumcision stop, even though it is only a pretextual campaign to attack particular countries. "Make the good deeds and we will forgive you your reasons". If we can save girls from this mutilation, we must be thankful to the campaign against this practice even though it hides its political aims. But what is scandalous is to stay silent in front of the millions of mutilated male children for political reasons. This double standard corrupts the worthiest human acts and can have counterproductive effects. Even the women committed against female circumcision can feel tricked and used for political ends. Dr. Amal Shafiq, a Muslim Egyptian woman, working in the setting of the UNICEF in Cairo, participated in a symposium in 1998 organized by the UNICEF in Geneva. She presented herself during the symposium as activist fighting against female and male circumcision. The person running the symposium, a Christian Swiss woman approached Dr. Shafiq and told her: "You do well to fight against female circumcision, but the male you don't have to worry about it. It isn't part of our activity". Shocked, Dr. Shafiq telephoned me: "Why does a Christian Swiss defend male circumcision whereas an Israeli Jewish colleague sitting next to me not? Does the church play a so great a harmful role in Switzerland?"

3) Circumcision and religious and cultural rights

A) Pretensions of communities

As discussed in the social debate, proponents of male and female circumcision label their adversaries anti-Semite, anti-Islam, and colonialist. Regardless, there is no doubt that those who perform male and female circumcision consider this practice an external demonstration of their religion and culture. These two components very often are mixed: for the religious Jew, circumcision is the achievement of a divine order; for the atheistic Jew, it is the cultural mark attaching him to his history. The religious and cultural norms are imposed on families and then individuals within the community. Their violation implies sanctions that expose the contravening persons to ostracism: interdiction to participate in the religious or social feasts, marriage, and burial in community cemeteries. The respect for these religious and cultural interdictions reinforces the social cohesion.

¹ E/CN.4/Sub.2/2000/17, 27.6.2000, par. 54-55.

Because of the importance of the religious and cultural norms, the legislature has tried to recognize a community's right to live according to its religious norms and to practice its cultural norms. This was the case in the Roman Empire in its dealing with the Jews and other communities. It is also true today, this right being mentioned in many international and national documents, as indicated in the following documents.

The Universal declaration

Art. 18 - Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Art. 27 par. 1 - Everyone has the right freely to participate in the cultural life of the community ...

The Covenant on Economic Rights and the Covenant on Civil Rights

Art. 1 par. 1 - All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The Covenant on Civil Rights

Art. 18 – 1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The Child's convention

Art. 8 – 1) States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2) Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Art. 14 – 1) States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2) States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Art. 29 par. 1 - States Parties agree that the education of the child shall be directed to: ...

c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living; the country from which he or she may originate, and for civilizations different from his or her own;

Art. 30 - In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

The Egyptian Constitution

Art. 46 - The state guarantees the liberty of belief and the liberty of the exercise of the cult.

The right to perform circumcision as a religious or cultural demonstration is invoked by proponents of male and female circumcision. To this point, Professor Freeman of the London Law School:

To deny a Jewish or Muslim child a circumcision is to undermine that child's right to cultural heritage and identity¹.

Relying on article 1, par. 1 of the Covenant on Economic Rights and the Covenant on Civil Rights, he adds:

It can be maintained that cultural identity, a sense of belonging to a religious and cultural group, is a fundamental human right².

But he makes the following reservation:

This right does not mean that every religious practice can be tolerated in the name of multiculturalism. There is a balancing exercise to be undertaken to determine whether a particular procedure or treatment is in a child's best interests. The relative harms and benefits of ritual circumcision are such that a parent's decision to circumcise in the name of religion should not be questioned³.

From this quotation, it's clear Professor Freeman refers to female circumcision. But, in fact, proponents of this practice ask also for the right to perform female circumcision in the name of their culture and their religion, as much as the Jews do with male circumcision. As mentioned previously, Jomo Kenyatta doesn't hesitate to compare clitoridectomy in his tribe to male circumcision in the Jewish community:

Clitoridectomy, like Jewish circumcision, is a mere bodily mutilation which, however, is regarded as the *conditio sine qua non* of the whole teaching of tribal law, religion, and morality. The initiation of both sexes is the most important custom among the Kikuyu. It is looked upon as a deciding factor in giving a boy or girl the status of manhood or womanhood in the Kikuyu community⁴.

Africans ask not only to exercise this right in their respective countries, but also in Western countries where they immigrate. Reacting to the French trial against Malians in February 1999, the Republican Independent Daily of Mali, condemns what it calls "the racist and europeocentrist propaganda" and demands that one has "a little modesty, tolerance, respect of others or democratic attitude". It condemns the "Western campaign against the excision

¹ Freeman, p. 74.

² Ibid., p. 75.

³ Ibid., p. 75.

⁴ Kenyatta, p. 133.

with pressures of all kinds, including political and economic pressures, which aims to detach slowly but surely the African young generation of its cultural values of origin". It sustains that "this practice didn't introduce blemish and problem of health or population which make the population practicing it inferior to others"¹.

On February 8, 1999, the President of the ADUM association (Afrique - Debout - Unie en Marche), in Paris, sent to the Paris court a motion of support of Hawa Guereou, the female Malian circumciser condemned in this trial. He wrote:

We have the honour to submit to your High kindliness this clarification concerning the judgment of our mothers and sisters for the fact of excision on the French territory.

The excision of girls, for us, is justified on the double level of the religion and customs.

On the religious level: It exists since more than one century and was instituted by the Prophet Abraham. According to the Muslim religion, it is a measure of hygiene and holiness.

As regards to customs: The excision is not only a hygienic and cleanliness measure, but also a gynaecological measure (it facilitates the childbirth).

For us, it is normal to excise our girls. This is why we wish, if possible, to meet you to further illuminate the justice so that it is rendered in the best possible conditions, because we don't doubt that France is a State of rights and liberties².

This is the position of proponents of male and female circumcision. The international and national legislatures don't share this position. A clear distinction is made between male circumcision, which remains tolerated, and female circumcision, which is forbidden. As for female circumcision, the majority of the participants in the seminar on traditional practices held in Ouagadougou in 1991, a seminar organized by the UN Commission on human rights, stated "the explanations drawn of the cosmogony and those based on the religion must be assimilated to superstition and must be denounced as such. Neither the Bible, nor the Koran does prescribe to women to be excised"³. Thus, one depreciates the religious concepts not expressed in the Bible or in the Koran, concepts considered superstitions. We refer the reader to the position of the CE in this respect⁴.

One finds this distinction between male and female circumcision in legislation and positions of Western medical organizations. In these countries, male circumcision continues to be tolerated and is considered a religious and cultural practice, while female circumcision is rejected even though it's performed by people as part of their culture and religion. These countries don't allow culture and religion to be invoked as a justification for female circumcision, but they do for male circumcision. We provide the example of Switzerland and the United States.

There is no law in Switzerland forbidding male circumcision. With regard to female circumcision, the Swiss academy of medical sciences considered in its position of August 24, 1983, that this custom is "in opposition to our ethical principles ... cruel and degrading". It added: "The guilty parties and their accomplices, doctors and auxiliary nursing staff, are violating in the most serious way, the moral principles applicable to the exercise of their duties"⁵. On March 1st, 1993, the Federal council aligned itself with the position of the Central Committee, explaining "in Switzerland and in the remainder of Europe, the exci-

¹ Reuter, Bamalo, 16 February 1999.

² Text from Linda Weil-Curiel.

³ E/CN.4/sub.2/1991/48, 12.6.1991, par. 27.

⁴ See part 5, chapter 2.2.

⁵ Bulletin des médecins suisses, vol. 64, 1983, cahier 34, 24.8.1983, p. 1275.

sion of the clitoris is considered as inhuman treatment according to article 3 of the European Convention of human rights".

There is no law in the United States forbidding male circumcision. Regarding female circumcision, American federal law of 1995 forbids it, stating:

No account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

The American academy of paediatrics, in its March 1999 position, although recognizing that male circumcision "is not essential to the child's current well-being", says the "it is legitimate for parents to take into account cultural, religious, and ethnic traditions, in addition to the medical factors, when making this decision". The position of the Academy concerning female circumcision is completely different. In its statement of July 1998, this Academy recognizes that:

- this "ritual genital procedure" has been a tradition since antiquity, that it has been performed by individuals from many religions, including Christians, Muslims, and Jews;
- "parents may feel obligated to request the procedure because they believe their religion requires female genital alteration";
- parents "believe that it will promote their daughter's integration into their culture, protect her virginity, and thereby guarantee her desirability as a marriage partner";
- "some proponents of the practice claim that it is required by the Islamic faith".

Despite all these arguments of cultural and religious order, the Academy rejects all forms of female circumcision, from the lightest to the most severe. According to the Academy, "The physical burdens and potential psychological harms associated with FGM violate the principle of non-maleficence, a commitment to avoid doing harm, and disrupt the accepted norms inherent in the patient-physician relationship, such as trust and the promotion of good health. More recently, FGM has been characterized as a practice that violates the right of infants and children to good health and well-being, part of a universal standard of basic human rights". It "recommends that its members educate and counsel the family about the health effects of FGM. Parents should be reminded that performing FGM is illegal and constitutes child abuse in the United States".

This opposition to female circumcision is, in fact, a dismissal of others' customs, no more and no less. If we take into consideration the Academy's medical arguments, it would be necessary to reject male circumcision as well as female circumcision. And if one adopts the criterion of gravity, it would be necessary to permit the 1st degree of female circumcision (ablation of the hood of the clitoris) that corresponds to the 1st degree of male circumcision, and to forbid the other forms of these two practices. In this case, it would be necessary to also forbid Jewish circumcision that is the 2nd degree: ablation of the foreskin (*milah*) and ablation of the inner lining of the foreskin (*periah*). Alone, the ablation of the foreskin should be allowed. All other solutions reflect a cultural imperialism and are unjustified discrimination.

Certainly, one can invoke the fact that the custom of female circumcision is contested by some people belonging to cultural and religious groups that perform it. But we find a similar contention within the Jewish and the Muslim communities concerning male circumcision. We refer the reader to the Jewish and Muslim religious debates previously in this book. We limit ourselves here to three paragraphs of an article by Jenny Goodman, a Jewish British psychiatrist:

In Judaism, and in Islam, the human being is considered to be made in the image of God, and God is conceptualized as perfect. So one could argue that interfering with god's perfect creation is a form of blasphemy. In Judaism there is a law of *Shmirat Ha Guf*, the guardian or protection of the body. Body-piercing, tattooing and amputation are all forbidden for the reason. Further, there is the Talmudic concept of *Tsa'ar ba'alei chayyim*, compassion for all living creatures. If compassion in all its fullness were applied to 8-day-old babies, circumcision would become impossible [...].

The Talmud goes on to say that: "One should be more particular about matters concerning life and health than about ritual observances". It insists, for example, that even the laws of the sabbath must be broken to give medical treatment or comfort to a sick person or a postpartum woman. This is despite the fact that keeping the sabbath is one of the Ten Commandments; circumcision, significantly, is not.

Jewish law is an evolving process that has always taken into account new developments in science and understanding, and attempted to integrate them. Given what is known about the life-threatening complications of neonatal circumcision, there is an argument from within Judaism to adapt Jewish law, so that the circumcision of helpless, non-consenting babies becomes forbidden, not demanded¹.

Along the same lines, a British lawyer states that male circumcision is not bound to a determined date with the Muslims, and it is not a condition of adherence to the Jewish community. Therefore, it is possible to delay circumcision until the age of majority to give the child the right to decide for himself if he wants to be circumcised or not. By waiting, one doesn't violate religious norms. Certainly, a father may feel saddened or guilty from a religious point of view if he lets his child go uncircumcised, but this is not a sufficient reason to impose a circumcision on a child or determine it's in the child's interest².

B) Priority of individual fundamental rights

Circumcision is certainly a religious and cultural practice that imposes itself on communities. But it is also a practice that touches the individual who is generally a minor without medical reason. While communities have a right to perform religious and cultural acts, they must respect individual rights, mainly the right to adhere to religious beliefs and cultural customs, the right to physical integrity and life, the right to modesty, and the right to respect the dead. The question then arises what has priority: community or individual rights?

A basic international human rights rule is that individual rights are considered fundamental and have priority over collective rights. In the name of tolerance toward religion or culture, a community cannot ask the legislature to close its eyes to violations of fundamental individual rights. This rule has clearly been expressed in the UN Declaration of principles on tolerance proclaimed and signed November 16, 1995, by member states of the UNESCO. Article 1, par. 1 defines tolerance as follows:

Tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication and freedom of thought, conscience and belief. Tolerance is harmony in difference. It is not only a moral duty, it is also a political and legal requirement. Tolerance, the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace.

But this article adds in par. 2:

¹ Goodman: Jewish circumcision, p. 24.

² Price: Male non-therapeutic circumcision, p. 449.

Tolerance is not concession, condescension or indulgence. Tolerance is, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others. In no circumstance can it be used to justify infringements of these fundamental values. Tolerance is to be exercised by individuals, groups and States¹

Article 30 of the Universal declaration says in this respect:

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

The par. 3 of the article 18 of the Covenant on Civil Rights says:

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

This disposition is repeated in par. 3 of article 14 of the Child's convention. Article 4 of the Declaration on the Elimination of Violence against Women, adopted December 20, 1993, by the General Assembly of the UN reads: "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination". Article 2 considers female circumcision a violence against women².

The U.S. Supreme Court, in a case involving a conflict between the religious liberty of parents and child's right to physical well-being, has ruled: "parents may be free to become martyrs themselves. But it does not follow they are free ... to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves"³. Commenting this decision, an opponent to male circumcision writes: "The religious beliefs of the parents, over which the child has no control, cannot be used to excuse harming the child's temporal interests nor can they entitle the parent to control the child for the parent's benefit"⁴.

It's appropriate at this point to recall the Geneva oath of the WMA:

I will not permit considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, or social standing to intervene between my duty and my patient⁵.

This quotation means that the physician must not be influenced by religious or cultural reasons in his medical intervention.

Thus, in a case involving a conflict between the right of the community or parents and the fundamental rights of the individual, it is the latter that has priority. Therefore, religious norms, whether mentioned in the Bible or the Koran or embodied in superstitions or animist beliefs, cannot be invoked to deprive an individual of his fundamental rights. It would take entirely too much space to list the Biblical and Koranic norms that different societies consider obsolete and contrary to human rights. If each community were allowed to apply all its religious or cultural norms to the detriment of individual fundamental rights, humanity would sink to barbarism.

This principle is clear, but its application to circumcision is less clear. Proponents of male and female circumcision refuse to apply it and feel communal religious norms have priority

¹ Declaration of principles on tolerance, http://www.unesco.org/human_rights/dec.htm.

² A/RES/48/104: <http://www.unhcr.ch/huridocda/huridoca.nsf/Documents?OpenFrameset>.

³ Prince vs. Massachusetts 321 US 158 1944.

⁴ Van Howe (et al.): Involuntary circumcision, p. 67.

⁵ http://www.wma.net/f/policy/17-a_f.html.

over individual rights. As for national and international legislatures and NGOs opposed to only female circumcision, they apply this principle only to female circumcision, giving religious and cultural communities the right to circumcise their boys and, thus, depriving them of their individual rights.

It's important to note that circumcised people, men or women, are marked for life on their flesh. They don't even have the right as an adult to change their religion and get rid of the religious mark their parents imposed on them. Circumcision is, therefore, a breach of current and future liberty. The child certainly belongs to a Muslim and Jewish family, but international documents grant the child the right after a certain age to choose a religion different from his parents'. Thus, a child should also have the right to choose whether to have a circumcision, a religious mark, or not¹.

It is not astonishing that Muslim and Jewish communities perform circumcisions. Both of these communities remain even today attached to the old concept of religious liberty: the right to enter, and the interdiction to leave. Those that abandon their religion are considered apostates, an offense punished even today in certain Muslim countries by death penalty and in Israel and in Muslim countries of the deprivation of a certain number of fundamental rights. The imposition of circumcision is the expression of this concept, aiming to force people to remain in the community by marking them physically as one marks livestock. We saw elsewhere how rabbis have aggravated the operation of male circumcision to make it difficult or even impossible for restoration of the foreskin. This is the reason these two communities consider any critique against circumcision as an attack against the community. This position doesn't differ from the position of U.S. slave masters who considered abolitionist campaigns as an infringement on their property and even their religious convictions. Let's add here that the interdiction of female circumcision and the allowance of male circumcision are contrary to the principle of sexual non-discrimination concerning religious liberty.

It is interesting here to briefly discuss the intellectual progressive position of Margaret Somerville, law professor McGill, in Montreal. She explains that she began her campaign attacking only female circumcision before she discovered male circumcision was also unjustified at the medical, ethical, and legal level. Despite her discovery, she kept silent for seven years before overtly expressing her opinion: "The main reason that I have taken so long to speak publicly against routine male circumcision ... was my great fear of, in some way, supporting anti-Semitism or anti-Muslim feelings"².

Somerville explains that Western society generally gives pre-eminence to the rights of individuals, not only at the expense of claims of the community, but sometimes without any thought as to what needs to be done if a community is to be maintained or even to survive. In the context of a discussion of infant male circumcision carried out for religious reasons, we need to recognize people's rights to belong to a community of faith and belief, and to bring their children into this community with them. We must, therefore, take care to not intentionally harm them through attacking their beliefs or practices, especially a religion to which we do not belong, or at least not to do so without overwhelming justification for our actions³.

Somerville is in favour of the interdiction of male and female circumcision, but she speculates it would be necessary to make an exception in favour of religious circumcision if a person believes that it is a central tenet of his religion and a fundamental, absolute religious

¹ Svoboda: Routine, p. 207; Van Howe (et al.): Involuntary circumcision, p. 68.

² Somerville: Respect, p. 414.

³ Ibid., p. 415-416.

obligation. But in this case, it is necessary to reduce the pain to a minimum. So it would not be permitted to perform the religious circumcision without anaesthesia. On the other hand, the least harmful and invasive form of circumcision that would fulfil religious requirements must be the practice adopted. For instance, historical research shows that for the first 2,000 years of Jewish history, a much less radical circumcision procedure was used than that employed today. Finally, both parent's fully informed consent must be obtained.

Somerville asks whether it is possible to delay the operation until the boy is competent to give personal informed consent. This issue is relevant in the Muslim faith where some male circumcision is carried out at an older age. But Somerville indicates that the law does not allow people below the age of majority to consent to non-therapeutic interventions¹. Evidently, Somerville does not plead for the delay if the child is from Jewish parents, because Jewish norms impose circumcision on the eighth day.

Somerville presented her ideas during the 5th international symposium that took place in Oxford in 1998. When she finished her presentation, a Jewish physician from Israel rushed toward her full of anger and asked: "Of what right do you allow my parents to cut my genitalia? My genitalia belong exclusively to me and my parents don't have any right to dispose of them in the name of religion". Many other participants expressed the same discontent about her mitigated position that tries to appease the Jewish and Muslim community. They feel that if one begins to open the door to allowing male circumcision by respecting the feelings of these two communities, one should then accept female circumcision for this same reason. And, they ask, where will this all end - should we also allow the law of retaliation (eye for eye and a tooth for tooth), the amputation of a thief's hand, the stoning of adulterers, and the death penalty for apostasy because these norms are religious norms? In sum, should many other obsolete religious norms be reintroduced?

If one objects to circumcision in the name of the individual religious liberty, we could also forbid the baptism of children. Baptism differs from circumcision in many ways, but primarily because it doesn't leave a physical mark; moreover, we all wash our children daily with water. But some people agree with this argument. Indeed, a growing number of Christians are no longer baptizing their children and, thus, the children are making their own decisions when they are adult.

There is a similarity between circumcision and baptism by immersion. At a baptism I attended of a three-year-old son of a Greek Orthodox Palestinian family in Switzerland, I noted the child was publicly naked and then handed over to a priest who dove him three times in baptismal waters. The child screamed and shouted with all his strength, while his parents and friends showed their joy by singing Arabic songs. The child's mother told me that her son had nightmares during the month following the baptism. There can be no doubt that this type of baptism is contrary to the rules of compassion. Strangely enough, society would be quite irritated if somebody acted in this way toward a cat or a dog. How can we then accept such an act with a three-year-old child who doesn't understand anything that happens around him? We must encourage priests to delay this kind of baptism until the child reaches majority, or the church adopts a more human form of baptism.

The nearest accepted social custom to circumcision is probably tattooing as a religious sign. Copts tattoo their children, boys and girls, by a cross sign. There is no doubt that this practice on minors is contrary to individual religious liberty. We will see later that the Bible and the narratives of Muhammad forbid tattooing. And even though positive laws

¹ Ibid., p. 418-421.

don't yet regulate this practice, those who tattoo generally refuse to proceed on minors without the authorization of parents for fear of judicial pursuit.

Some argue that because it's okay for parents to impose education on their children that it's also okay to impose circumcision on them. There is a great difference, however, between education that prepares a child to be an active member of society and circumcision, which does not. If one didn't impose education on a child, it would lead to an enormous collective danger. To delay a circumcision until a child reaches an adult age constitutes no damage to society and the act doesn't prepare a circumcised child to be an active member of society. On the contrary, performing a circumcision at a young age exposes the child to physical and psychological dangers.

4) Circumcision and the right to physical integrity and life

Male and female circumcision is an infringement of physical integrity that reduces the natural functions and drives and leads to physical, psychic, and sexual complications and sometimes death. For this reason, it is a violation of the rights to physical integrity and life.

These two rights are among the most important human rights. Laws of all countries of the world, those of the West or the Third-world, mention them, impose penal sanctions for their violations, and provide civil reparation against those who violate them.

The international legislature has explicitly placed the right to life at the forefront of the rights it guarantees. We give here some examples.

The Universal declaration:

Art. 3 - Everyone has the right to life, liberty and security of person.

The civil Pact:

Art. 6 par. 1 - Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

The Child's convention:

Art. 6 – 1) States Parties recognize that every child has the inherent right to life.

2) States Parties shall ensure to the maximum extent possible the survival and development of the child.

The European convention of human rights:

Art. 2 par. 1 - Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

Strangely, none of these four documents mentions the right to physical integrity. The only two international documents that mention this right are the American convention of human rights of 1969 and the African charter of human rights of 1981:

The American convention of human rights:

Art. 4 par. 2 - Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

Art. 5 par. 1 - Every person has the right to have his physical, mental, and moral integrity respected.

The African charter of human rights:

Art. 4 - Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person.

No one may be arbitrarily deprived of this right.

It's interesting to ponder why the UN and Europe did not include the right to physical integrity in its key documents. Vasak writes:

It is by the interdiction of torture, cruel, inhuman or degrading treatments and of the medical or scientific experimentation without the free consent of the interested person that appears the worry of the international Community to defend and to preserve the physical and moral integrity of the person¹.

This explanation is not very satisfactory because national constitutions themselves expressly mention the right to physical integrity. By returning to the *travaux préparatoires* of article 3 of the Universal declaration, we notice that this right was mentioned in different projects, but was suppressed in final versions. It appears that the right to physical integrity was assumed to be included in the right to security mentioned in article 3². But as Verdoodt says, article 3 is quite vague³. He explains that only some countries participating in the redaction "gave an interpretation that includes the right to physical integrity in the legal notion of security of person", adding that this article doesn't include "any explicit condemnation... against the lack of protection of the state against the criminal tentatives"⁴. According to Verdoodt, it would be necessary "to refer to the article 5, that forbids the cruel, inhuman or degrading treatments, to include the right to physical integrity in the Declaration"⁵.

The *travaux préparatoires* of the European convention of human rights don't explain why its redactors excluded the right to physical integrity. In response to our question to the Court of Human Rights in Strasbourg as to why, Wolfgang Peukert, Chief of the unit of Jurisprudence Research and Documentation, answered June 22, 1999, that "the physical integrity is protected by articles 3 and 8 of the European convention of human rights ". These two articles say:

Art. 3 - No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Art. 8 par. 1 - Everyone has the right to respect for his private and family life, his home and his correspondence [...].

It's not clear how one can deduce from these two articles the right to physical integrity. The next question is whether the implicit goal of the drafters of these documents was to avoid male circumcision. To answer this question, we need to discuss the historical setting of the Universal declaration and the European convention, both of which are post-WWII documents. By writing these two documents, the drafters tried to take solid resolutions to address the horrors of WWII. They particularly wanted to ensure that the horrors of concentration camps for Jews and other undesired groups would never be repeated. By not mentioning the right to physical integrity, it's possible the drafters wanted to avoid hurting the Jewish community that practices male circumcision. Indeed, the primary drafter of the Universal declaration was Professor René Cassin, of the Jewish religion. This hypothesis should one day be confirmed or invalidated by future researchers, but it cannot be completely discarded today. It's important to note that only a few people are aware of the absence of the right to physical integrity in the UN documents and the European convention; in fact, even law professors consistently have expressed their astonishment at this mystery.

¹ Vasak, in *Les dimensions internationales des droits de l'homme*, p. 165.

² Verdoodt, p. 95-99.

³ Ibid., p. 99.

⁴ Ibid., p. 100.

⁵ Ibid., p. 100.

Even though the right to physical integrity is not expressly mentioned in the UN documents and the European convention, it doesn't mean the right can't be found implicitly within other rights, including articles 3 and 5 of the Universal declaration and article 3 of the European convention of human rights. In addition, the following could be added:

The Child's convention:

Art. 24 – 1) States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health [...]

3) States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

Art. 36 - States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

The International Code of Medical Ethics of the WMA¹:

A physician shall in all types of medical practice, be dedicated to providing competent medical service in full technical and moral independence, with compassion and respect for human dignity.

A physician shall act only in the patient's interest when providing medical care which might have the effect of weakening the physical and mental condition of the patient.

Let's signal also that the four Geneva Conventions relative to humanitarian international law forbid infringements on physical integrity. Regarding mutilations, article 3 par. 1 reads:

... are and shall remain prohibited at any time and in any place whatsoever [...] violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture.

This disposition applies "without any adverse distinction founded on race, colour, religion or faith, sex...". If such a disposition must be applied in war, *a fortiori* it must be applied in peace.

5) Circumcision, degrading treatment and torture

Degrading treatment and torture are forbidden by different international documents, including the following:

The Universal declaration:

Art. 5 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The Covenant on Civil Rights:

Art. 7 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

The Child's convention:

Article 37- States Parties shall ensure that:

a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

¹ http://www.wma.net/e/policy/17-a_e.html

In addition to these documents, others exist that forbid degrading treatment and torture, including *"Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"*, adopted by the General assembly of the UN in 1982¹. The Declaration of Tokyo of the WMA of 1975 confirms these principles:

- The doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedure is suspected, accused or guilty, and whatever the victim's belief or motives, and in all situations, including armed conflict and civil strife.
- The doctor shall not be present during any procedure during which torture or other forms of cruel, inhuman or degrading treatment are used or threatened.
- A doctor must have complete clinical independence in deciding upon the care of a person for whom he or she is medically responsible. The doctor's fundamental role is to alleviate the distress of his or her fellow men, and no motive whether personal, collective or political shall prevail against this higher purpose².

In what way is such a principle applicable to female and male circumcision?

Proponents of female circumcision don't agree that this practice qualifies as degrading treatment or torture. Even opponents of this practice are reticent to consider it such even though they don't minimize the pain that it can generate. We have already mentioned the case of the Somalian Waris Dirie who condemns female circumcision, but says she doesn't blame her parents because they did what they thought was important for their daughter³. Dorkenoo signals:

Female genital mutilation does not fit into a neat traditional category of torture, e.g. dictatorial government torturing political prisoners. Female genital mutilation is gender-based violence which happens in the home, is condoned by the family and the community at large and over a period of time has been accepted as culture. As a human rights issue it falls into the category of citizen upon citizen abuse. It is not governments who are forcing girls to be mutilated⁴.

The international legislature obviously does not share this point of view. The Commission of human rights in Resolution 49 of 1996 says female circumcision is violence against the women and it asks governments:

To enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography⁵.

The Subcommittee for the Prevention of the Discrimination and the Protection of Minorities refers in Resolution 8 of 1997 to article 5 of the Universal declaration and article 7 of the Covenant on Civil Rights, both of which address torture or cruel, inhuman, or degrading treatment, and called upon member states to take the necessary measures to eliminate female circumcision⁶. This UN position is confirmed in different documents of the CE⁷.

¹ G.A. res. 37/194, annex, 37 UN GAOR Sup. (No. 51) at 211, UN Doc. A/37/51 (1982).

² http://www.wma.net/f/policy/17-f_f.html.

³ Dirie, p. 238.

⁴ Dorkenoo, p. 70.

⁵ E/CN.4/RES/1996/49 du 19 April 1996.

⁶ www.unhchr.ch/html/menu4/subres/9708.htm.

⁷ See part 5, chapter 2.2.

It should also be noted that the president of the Inter-African committee considers female circumcision as a "true operation of torture with disastrous physical and moral consequences and aftermaths whose victims often endure during all the remaining of their life"¹.

Proponents of male circumcision don't agree that male circumcision qualifies as degrading treatment or torture. As shown previously in this book, they deny or minimize a child's pain and argue circumcision is an act of love, performed in the child's interest. Professor Freeman, in fact, says that it is not circumcision, but the Jewish and Muslim parent's refusal to circumcise their children that constitutes an abuse². He adds: "Far from ritual male circumcision constituting abuse or a prejudicial traditional practice, or a threat to a child's bodily integrity, it is argued here that male Jewish and Muslim babies have the right to be circumcised"³. He says the majority of Jewish and Muslim adults appreciate what others put them through. "To them, cultural and religious identity, the sense of belonging to a group, is of greater significance than minor invasive treatment administered when they were unaware of it". He adds: "To deny a Jewish or Muslim child a circumcision removes from him the ability to participate in the religious life of his community and as such undermines his freedom of religion"⁴.

The silence of the international legislature regarding male circumcision seems to indicate it doesn't consider the practice a degrading treatment or torture. The American legislature forbids abuse inflicted on children for religious reasons, including female circumcision but excluding male circumcision⁵.

Opponents of male circumcision do not share their opinion. Ashley Montagu writes:

In recent years, we have suddenly discovered that the abuse of children is rather more frequent than was generally believed.... Today, now that child abuse has come to be recognized as a widespread psychopathy in America, it may be easier for people to perceive circumcision as a form of child abuse⁶.

Svoboda, the president of Attorneys for the Rights of Children, writes:

No objective observer who has witnessed a circumcision can seriously dispute that the procedure inflicts severe pain or suffering on the child. Circumcision does constitute torture ... Article 3 of the Declaration against torture prohibits any state from permitting or tolerating torture or other cruel, inhuman and degrading treatment or punishment. The United States, by failing to take action against circumcision, as well as by subsidizing and performing the procedure, is also violating this article⁷.

The chairwoman of the Amnesty International-Bermudas section also says male circumcision is torture. She invokes here the UN reports relative to crimes committed during the war in Yugoslavia. These reports qualify as torture the sexual violence against prisoners, such as rape, castration, and male circumcision⁸. The Fourth report on War Crimes in the former Yugoslavia (Part II) reports the following under the headline "Torture of prisoners":

August-September 1992:

¹ Newsletter of the Inter-African committee, no 21, September 1997, p. 5 (French version).

² Freeman, p. 76.

³ Ibid., p. 77.

⁴ Ibid., p. 77.

⁵ See California Penal code § 667.83; Idaho criminal code § 18-1506 A (b); 720 Illinois Compiled Statutes §§ 5/12-32 and 5/12-33(2).

⁶ Montagu: Mutilated humanity

⁷ Svoboda: Routine, p. 208.

⁸ Bodily integrity for both, p. 15-16.

A US surgeon from California spent 2 weeks in Bosnia-Herzegovina (including time at Kosevo hospital in Sarajevo) in late August and early September performing remedial urological surgery. The doctor reportedly found that Muslim and Mujahedin irregular troops - some from Afghanistan and Saudi Arabia - had routinely performed crude, disfiguring, nonmedical circumcisions on Bosnian Serb soldiers, and he treated one 18-year-old Bosnian Serb soldier who was so brutally circumcised that eventually the entire organ required amputation¹.

On October 6, 1992, the UN Security council requested the Secretary General to establish a Commission of experts to examine and report on violations of international humanitarian law committed in the territory of former Yugoslavia. The Commission of experts' final report (S/1994/674) concluded that universal jurisdiction existed for "crimes against humanity", which are considered "elementary dictates of humanity to be recognized under all circumstances"; applicable "to all contexts"; and "no longer dependent on their linkage to crimes against peace or war crimes". These "crimes against humanity", the report established, include "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment"².

The report adds that "rape and other sexual assaults" constitute "torture or inhuman treatment" which wilfully cause "great suffering or serious injury to body or health". In part IV, the report details the nature of sexual assault or abuse of men as follows:

There have also been instances of sexual abuse of men as well as castration and mutilation of male sexual organs.

Men are also subjected to sexual assault. They are forced to rape women and to perform sex acts on guards or each other. They have also been subjected to castration, circumcision or other sexual mutilation.

J. Edgar Schoen, an American physician in favour of male circumcision, wrote an article advising Europeans of the merits of routine male circumcision and encouraging them to adopt it³. Two physicians of Northern Europe pointed out, in response, that the Ethics Committee on experiments on animals would not even permit the performance of circumcision on animals without suitable anaesthesia. Thus, they asked, why the procedure should be performed on newborns⁴.

6) Circumcision and the right to modesty

Laws of all countries of the world punish infringements on modesty. The respect for a child's modesty is foreseen by the Child's convention:

Article 16 par. 1 - No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

Art. 34 - States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- b) The exploitative use of children in prostitution or other unlawful sexual practices;

¹ <http://www.haverford.edu/relg/sells/reports/4thB.html>

² http://www.uwe.ac.uk/facults/ss/comexpert/REPORT_TOC.htm

³ Schoen: Is it time for Europe.

⁴ Bollgren; Wimberg: Reply to: Is it time for Europe.

c) The exploitative use of children in pornographic performances and materials.

The respect for modesty is affirmed in medical ethical norms. The Oath of Hippocrates (d. 377 B.C.) reads:

Whatever house I may visit, I will come for the benefit of the sick, remaining free of all intentional injustice, of all mischief and in particular of sexual relations with both female and male persons, be they free or slaves¹.

The WMA Declaration on the Rights of the Patient reads:

The patient's dignity and right to privacy shall be respected at all times in medical care and teaching, as shall his/her culture and values².

The Charter for Children in Hospital of 1993³:

Children shall be treated with tact and understanding and their privacy shall be respected at all times.

In a circumcision, the circumciser undresses the child, manipulates his genitalia, and mutilates them. In a Jewish circumcision, the religious rule provides for the circumciser to put the child's penis in his mouth. There can be no doubt that this behaviour is an infringement of the penal norms relative to modesty (and paedophilia) given that circumcision isn't justified medically. We refer the reader at this point to the social debate on this topic⁴.

Opponents to female circumcision in Egypt don't hesitate to use these norms to support their opposition to female circumcision. The vice-president of the Egyptian Cassation Court has written that the physician who touches a woman's breast commits an infringement of a woman's right to modesty, except in cases where a medical reason exists. The same rule applies if one touches a girl's genitalia⁵. Professor Al-Saghir of the law faculty of Ain Shams writes:

It is not permitted to denude genitalia of others than for the medical reasons. With regard to female circumcision, it is not permitted to discover the genitalia than if the circumcision is an obligation. However, it is neither obligation nor sunnah. In the same way, it is not part of medical act since it doesn't heal an illness of the girl, female organs not being in themselves an illness. Therefore, the ablation of any part of a female sexual organ is comparable to an ablation of any other healthy organ such as a finger. The one that perform this operation, whether he is a physician, nurse or other, is guilty of the crime of reach to modesty⁶.

To support his position, Al-Saghir mentions an unpublished Egyptian judgment of 1994 that qualified female circumcision in this way. Another unpublished judgment of 1995 did the same regarding a male circumcision performed by a male nurse on a seven-year-old child⁷. Al-Saghir argues circumcision is an aggravated breach of modesty because it's performed on a minor by using the constraint. Even if the minor agrees to a circumcision, his consent can't be taken into consideration because his is a minor by law⁸.

Muslim jurists are very sensitive to the argument of modesty in relation to male and female circumcision. They insist that a person of the same sex must perform the circumcision. So a

¹ Oath of Hippocrates, in Encyclopedia of bioethics, vol. 3, p. 1731.

² http://www.wma.net/e/policy/17-h_e.html

³ Alderson: European charter of children's rights, www.cirp.org/library/ethics/alderson/

⁴ See part 4, chapter 7.4.

⁵ Uways, p. 10-11. See also Abd-al-Salam: Khitan al-inath, p. 26; Mu'atamar al-sihhah al-injabiiyyah, p. 33.

⁶ Al-Saghir, p. 100.

⁷ Ibid., p. 100.

⁸ Ibid., p. 101-105.

woman should circumcise a girl or a woman, and a man should circumcise a boy or a man¹. If the person being circumcised is an adult man, Al-Nazawi (d. 1162) says he must let the circumciser see only the part to be circumcised and he must hide the rest of his body². The book *Al-fatawa al-hindiyyah* says that in this case, the man should circumcise himself so that he doesn't expose his genitalia to others. If he doesn't know how to perform the circumcision, he should buy a female slave who knows the profession³. Al-Sawi (d. 1825) says the man doesn't have to have a circumcision in this case⁴.

7) Circumcision and respect of the dead

Respect for the human cadaver has been imposed on humanity since time immemorial. Whoever attacks a cadaver commits an act of profanation. Such an act was and is committed by enemies to humiliate their adversaries after their defeat. The Bible reports that Macabees cut off Nicanor's head and arm and carried them to Jerusalem. Then he cut out the tongue, gave it to the birds, and hanged the head from the citadel⁵. Saul asked David for a hundred foreskins of the Philistines as a marriage present to marry Saul's daughter, Michal. David accepted the offer: He "rose and went, along with his men, and killed two hundred of the Philistines; and David brought their foreskins, which were given in full number to the king"⁶.

To our knowledge, the international legislature doesn't expressly address human rights after death, unless we consider this right to be included within the articles that protect human dignity and forbid cruel, inhuman, and degrading treatment. Laws of all countries of the world carefully provide that the human cadaver and the place where it is buried should not be profaned. For example, article 262 par. 1 of the Swiss Penal Code provides: "Everyone who desecrates or publicly offends a human cadaver... shall be punished with imprisonment or with a fine".

We saw in the religious debate among Jews that the foetuses of dead male children are circumcised before being buried. Similarly, the same procedure is performed on the Jews who died uncircumcised. Circumcision constitutes a burial condition in a Jewish cemetery. This last issue was the subject of an agitated debate in the Knesset⁷, the Israeli Parliament. We also saw in a previous chapter that circumcision of the dead is extolled by certain Muslim jurists⁸.

There is no doubt that such a practice is a profanation of the dead. Certainly the refusal to bury a dead person in a cemetery because he is not circumcised must constitute religious discrimination. Even though such a repugnant act is not regulated by international or national legislation, it is undoubtedly the duty of intellectuals to denounce it publicly as contrary to good customs and morals.

¹ Ibn-Juzay, p. 214.

² Al-Nazawi: *Al-musannaf*, vol. 2, p. 42.

³ *Al-fatawa Al-hindiyyah*, vol. 5, p. 357.

⁴ Al-Sawi, vol. 2, p. 152.

⁵ II M 15:30-35.

⁶ I S 18:27-28.

⁷ Part 2, chapter 1, section 2.7.

⁸ Part 2, chapter 3, section 7.6.

Chapter 6.

Circumcision and medical dispensation

Primitive societies have recognized a man's right to determine the right of life and death of his wife, children, and slaves. In the same way, these societies performed human sacrifices to divinities, as indicated in the Bible in many texts¹. Arabs used to bury their girls alive, practice revoked by the Koran: "When the girl who was buried alive is asked: For what crime was she killed?" (81:8-9).

Ultimately, legislature intervened, reducing the power of a family's father and forbidding even the castration of slaves and condemning the live burial of girls. However, the legislature could not prevent the practice of male circumcision. The attempts by Reformed Jews in the 19th century to abolish the practice were cut short by opposition from Rabbis. Eventually, physicians supported this practice by inventing one pretext after another. And today proponents of male and female circumcision justify the practices by arguing it enters the setting of medical dispensation like all other operations.

In fact, to perform an operation that breaches physical integrity and exposes a patient to risks to his health and life the doctor is required to ensure that the operation fulfils three conditions: (1) it must be necessary on the medical level; (2) it must be performed with the consent of the patient or his guardian; and (3) it must be performed by an authorized person according to established rules. A doctor's failure to ensure that these conditions are met is a breach of medical ethics and, thus, the procedure is not supported by the law. For female and male circumcision operations, these conditions are rarely ever fulfilled.

1) Medical necessity

Three questions must be answered here concerning any surgical operation, including male and female circumcision. First, when is an operation considered necessary? Second, can one operate according to the right to discipline? Third, can one consider circumcision an aesthetic operation?

A) Prevention and care

A surgical operation is considered necessary, and therefore authorized by the law, in the following cases:

- There is a need of prevention or care for this operation.
- The advantage discounted of the operation is superior to its prejudice. Ibn-Qayyim Al-Jawziyyah said that the physician must not intervene surgically to discard a damage, but to discard it in such a manner that avoids the realization of a superior damage. If the suppression of the damage creates more serious damage, the duty is imposed to maintain the initial damage and to alleviate it².
- The operation must be the only possible means to discard the damage. Ibn-Qayyim Al-Jawziyyah said in this respect: "The clever physician resorts to the simplest means before using the difficult means. He passes from the weak to the strongest, except if he does fear not to be anymore able to use the strongest means if he chooses to act by progressive stages. In this case, he must immediately resort to the strongest means"³.

¹ See Lv 18:12; Dt 12:31, 18:10; 2 K16:3, 23:10; Jr 7:31, 19:4-6; 32:35; Ez 16:20-21.

² Ibn-al-Qayyim Al-Jawziyyah: *Al-tib al-nabawi*, p. 158.

³ *Ibid.*, p. 160.

- The purpose of the intervention of the physician must be to take care of and not to attempt to violate the modesty of the patient.

These four principles originate from the 14th century, but they don't differ from those currently applicable today, either in international texts or codes of medical ethics.

Unfortunately, these principles aren't universally respected in the great majority of male and female circumcision operations. These operations are conducted for religious or cultural reasons and not for medical reasons. They are performed on healthy organs that don't require any surgical intervention, and they do not take into consideration the issues of care or prevention. Even when infections or a phimosis are present, it is still possible to take care of the patient by using antibiotics and other less aggressive medicines than surgery. Finally, the risks of this operation are higher than the supposed medical advantages invoked by physicians to justify the operation. Because religious authorities also use these pretexts, there seems to be some tacit understanding between medical and religious milieus.

The second part of this book addressed the medical justifications for male and female circumcision. In that part, we saw that these justifications have changed through time according to contemporary public fears. Even though medical organizations have concluded that male circumcision is not a necessary medical act, they are still hesitant to forbid the act. On the contrary, many if not most continue to perform male circumcisions for religious and cultural reasons. At the same time, they won't perform female circumcision for these same reasons invoked to perform male circumcisions.

To demonstrate the fallacy of the medical arguments it is sufficient to compare the rate of male circumcision in Scandinavian states (about 1%) to its rate in the United States (about 60%). Despite the low rate of circumcision in Scandinavia, Scandinavian children are no less healthy than American children.

We enter here the domain of surgical abuse, an abuse within not only circumcisions, but also other surgical operations. Physicians perform operations on their patients that they would not perform on members of their families. This fact was demonstrated in an Egyptian survey of 500 physicians published in 1998. According to the survey, 77,8% of the proponents of female circumcision hadn't circumcised their daughters, and 98,5% of opponents to this operation hadn't circumcised their daughters. These statistics indicate that a high rate of physicians perform circumcisions on the daughters of others, but didn't perform it on their own daughters¹.

In 1998, *Nurses for the rights of the child* questioned in a film eight American physicians who performed male circumcision. Seven doctors agreed there is no medical reason for newborn circumcision. In striking contrast to the official debate of the medical pros and cons of circumcision, these physicians freely admit there is nothing medical to gain from routine male circumcisions. They further stated that the reason they circumcise babies is because parents request it. The one exception was a Jewish physician who defends circumcision because he claims God commanded it. According to this physician, any procedure requested by God must have medical benefits as well. Even this physician, however, freely admits that circumcisions performed in hospitals are not valid Jewish ritual circumcisions. All the physicians interviewed state they would reconsider or even stop circumcising babies if they were convinced that circumcision caused any harm. One of the interviewed doctors, in fact, stopped performing circumcision two months after this interview².

¹ Abd-al-Hadi; Abd-al-Salam, p. 51.

² Sperlich; Conant: Facing circumcision, p. 273-274; to order the film, see <http://www.noharmmm.org/facing.htm>

We saw in the medical debate that proponents of male and female circumcision try to minimize these operations by refusing to accept that they qualify as mutilations. Some of them even argue the operations aren't painful. A very strange phenomenon is that some don't even consider circumcisions as a surgical operation. Third-party insurance carriers, the American Medical Association, and the American College of Surgeons don't even mention it as one of the 10 or 12 most commonly performed operation in the United States¹, even though it is.

On the other hand, holistic medical groups, the LaLeche League, and various organizations concerned with maternal-child bonding advocate the delivery of a child with warmth and gentleness, lowered lights, and subdued noise. Strangely, they then don't object to having the child the next day or so subject to the harsh realities of a painful operation without anaesthesia² and without medical reason.

Finally, tissue committees that exist in every accredited hospital and determine whether an operation is justified do not address the issue. If the number of normal appendices, gall bladders, uteri, etc. removed by any surgeon exceeds an acceptable average, that surgeon would be censored or dismissed from the hospital staff. A surgeon who consistently removed normal appendices, gall bladders, etc. 100% of the time and did not have the matter discussed and acted upon by the tissue committee would be completely unimaginable. Yet, the removal of 100% of normal foreskins, year after year, is not censored or even addressed by these tissue committees. Some have even joked about the little raisin-like, shrivelled, formalin-soaked foreskin in the specimen bottle³. An American physician who would amputate the clitoris of all girls born in his hospital would be eventually excluded from the hospital and ultimately prosecuted. Yet, a male sexual organ is worth the same as a female sexual organ.

In a country such as Egypt that practices female circumcision, opponents of the practice say it must be condemned and removed from the setting of legal operations. The vice-president of the Egyptian Cassation Court writes:

The female genital organ is a natural organ. It is not pathological, don't cause a particular illness and don't provoke any serious or light pains. To infringe this natural organ [...] cannot be considered as a care of an illness, a diagnosis, a reduction or a suppression of a pain. Therefore, this act is located outside of the setting of the medical care on which is based the right of the physician to treat a patient. The physician who performs female circumcision is considered as having committed intentionally a penal injury according to articles 241 and 242 of the penal code [...]. The physician is held as main responsible on the civil and penal levels because he committed the incriminated act. The parent of the girl or her guardian is also responsible on the civil and penal levels⁴.

Dr. Fayyad writes:

The physician obeys the ethical norms of which notably the one not to perform an operation unless it is beneficial to the health and don't contain a physical prejudice. Logically, if it is proven that an operation doesn't have a medical benefit or it is risky, it is prohibited to perform it from the point of view of the deontology. Even more, I estimate with strength that this physician must be punished. In my opinion, the physician who

¹ Ritter, p. 5/1-2.

² Ibid., p. 5/2.

³ Ibid., p. 5/2.

⁴ Uways, p. 11-12.

agrees to perform female circumcision is comparable to the physician who agrees to provoke illegal abortion. If the latter is punishable, the first must also be punishable¹.

Strangely, opponents of female circumcision refuse to apply this reasoning to male circumcision. An Egyptian book says:

Male circumcision is a question on which there is an agreement from the religious, medical and social point of view. The religion orders it, the medical principles consider it obligatory, and the social custom imposes it. Therefore, the physician that performs male circumcision benefits the medical dispensation and would not be punished for his act, this latter being located outside of the setting of the forbidden.

Female circumcision is a different thing. No text in the Islamic, Christian or Muslim law orders it unanimously, there is no social custom that imposes it, and there is no scientific medical unanimity on its necessity. Therefore it cannot be justified as it is the case with the male circumcision. It results that the reach to the woman's body by amputating a part of her genitalia, partially or completely, constitutes according to the correct application of the law, an intentional crime implying a penal and civil liability².

The first paragraph of the previous quotation demonstrates the author's ignorance about the religious and medical arguments.

Finally, we should note that proponents of male and female circumcision consider the procedure preventive, much like vaccines against smallpox or other illnesses. But these sorts of illnesses are epidemics. If one doesn't use a vaccine, they risk spreading the disease quickly to all the population. Not circumcising, on the other hand, wouldn't provoke such an epidemic. Before proceeding to an operation, it's weighed its advantages and disadvantages on the individual and at the collective level. It is unacceptable to impose circumcision on all healthy newborns under the pretext this operation could save a certain number of people from cancer of the penis, for example. Circumcision is a painful operation that includes risks, including the risk of death. Out of 100.000 circumcisions, according to Gairdner, 17 children die. Even though it is proven circumcision protects against cancer, it is contrary to ethics and counterproductive to expose 17 children to death to save only one man out of 100,000 from penile cancer³.

B) Right to discipline

Proponents of male and female circumcision still argue today that this practice is preventive as a means against masturbation and sexual deviations, vices that are responsible for many physical, psychic, familial, and social misdemeanours. Circumcision, according to them, is part of the right of discipline that the father exercises toward his children. Therefore, the father should be able to ask a physician to circumcise his sons and his daughters. Such an operation should be licit on the legal level⁴.

Opponents of female circumcision reject such a theory. The vice-president of the Egyptian Cassation court says:

The authority of tutelage on a minor, boy or girl, attributed to the father, the mother, the grandfather or the guardian named by the judge [...] consists in the right to discipline and to educate. The right to discipline is based on the Muslim law and is limited to inculcate to the boy or the girl the good conduct and the good customs. The guardian has also the right to hit the minor without exaggerating to make her abandon the bad habits.

¹ Fayyad, p. 7-8. See also Mu'tamar al-sihhah al-ingabiyyah, p. 35.

² Al-mumarasat al-taqlidiyyah, p. 25-26.

³ Denniston: Circumcision: an iatrogenic epidemic, p. 106.

⁴ Taha: Khitan al-inath, p. 31-37.

But is it logical and reasonable to deprive the young girl of a natural organ created by God with the purpose of educating and disciplining her? Some say that it is an education of the girl's spirit because the amputation reduces her sexual desire. Yet, it is proven scientifically and psychologists are unanimous that the sexual perversion begins in the brain and the spirit and not in the body. If therefore the education limits itself to educate the spirit and the brain of the young girls, it would be - in the measure of what is humanly possible - an important factor to prevent the girl's sexual perversion. The scientific researches prove that the majority of prostitutes are circumcised. As for the guardian's right to educate the minor, it consists in increasing her scientific capacity. It is not possible to include this repugnant custom reasonably in this right¹.

C) Circumcision as an aesthetic operation

We saw in the social debate that proponents of male and female circumcision view the procedure as an aesthetic operation². In aesthetic operations, the physician intervenes not to prevent or to take care of an illness, but for psychological reasons. Because the legislator permits these sorts of operations, circumcision must be considered a legal operation, proponents argue.

It's clear that cases of exceptional deformity of male and female genitalia exist. A woman can have an unusually large clitoris, hood, or labia minora that will create functional or psychic problems. A man can have an unusually long foreskin. These deformities can be congenital or the result of a manipulation by people, including the physician. Surgical interventions that aim to give these organs a usual form do not present a problem on the legal level. In fact, these operations must be performed in the respect of legal limits. It is necessary that the concerned person or his guardian consent, and that the operation be performed by an authorized physician according to established rules. In the event the operation can be delayed without too much prejudice, it is preferable to perform it when the patient reaches the age of majority so that he can consent himself.

It's impossible to apply the norms relative to an exceptional and rare phenomenon to all operations of male and female circumcision. No reasonable person would justify the circumcision of millions of children for aesthetic considerations.

Let's notice that Muslim jurists are extremely reticent to admit aesthetic operations in general. To support their positions, they rely on a narrative of Muhammad that says:

God cursed the women who tattoo or make tattoo, those who depilate hairs or make depilate, as well as those who separate teeth for reason of beauty, changing so God's creature³.

This narrative could be inspired by the Bible, which forbids tattooing and scarification:

- You shall not make any gashes in your flesh for the dead or tattoo any mark upon you (Lv 19:28).
- You must not lacerate yourselves or shave your forelocks for the dead (Dt 14:1).

According to Muslim jurists, the basis for the interdiction in Muhammad's narrative is that such acts constitute a fraud and a changing of God's creation. They also speculate that these acts inflict unnecessary pain on the body. Many modern Muslim authors have written about Muslim norms that must govern aesthetic operations. One such author summarizes these norms in the following 10 points:

¹ Uways, p. 13-14.

² Part 4, chapter 5.2.

³ Al-Bukhari, hadith 5931; Muslim, hadith 1678.

- 1) The aesthetic operation is a pain inflicted on a living human being. It is illicit unless it responds to a need or a necessity.
- 2) It must be the unique means to respond to the need and the necessity. If there is another means, the operation becomes illicit.
- 3) It must present a great probability of success according to the evaluation of the physician; it is not permitted to use the human body for experience.
- 4) It must not result in an unusual change of the creature. Thus, it is not permitted to reduce or to enlarge a member if this member is in the usual limits of the creation.
- 5) It must not result in a deformity or a deterioration of the usual beauty of the original creation.
- 6) It must not constitute a fraud or a deception. So it is not licit for an old woman to make an operation that makes her appear younger than she is.
- 7) It must not provoke a prejudice more severe than the expected advantage, as when it destroys a member.
- 8) It must not aim to make a sex similar to another sex. So it is not allowed to change a man into a woman or vice versa.
- 9) It must not aim to create a similarity with the unbelievers.
- 10) It must not aim to create a similarity with the evil and perverts¹.

These conditions are very rarely fulfilled in male and female circumcision. Therefore, according to Muslim law, circumcisions are illicit if their objective is aesthetic, because they consist in changing God's creature and giving the sexual organs an appearance that is not consistent with their usual nature. Uways, the vice-president of the Egyptian Court of Cassation, says the following about female circumcision:

The aesthetic operation is part of the medical operation whose purpose is to repair an organ, to adjust it and to eliminate a surplus of it. In other terms, it consists in giving to this organ or a part of it a congenital natural form. This is the objective of the aesthetic operation. However, it doesn't correspond to the operation of circumcision that, in all its forms, constitutes a change of the natural appearance of the woman's genital organ as created by God. For this reason, this operation cannot be considered as an aesthetic operation, but a violation of the woman's body².

After the CNN released the video on female circumcision September 7, 1994, the Egyptian Society of Physicians organized a symposium concerning female circumcision and adopted a declaration allowing this practice in certain conditions. One of these conditions reads:

The surgical and professional rules and the religious norms must be respected, so that one limits the operation to levelling the protruding part without exaggerating, deforming, or touching the lips or the clitoris than with moderation; every case should be taken care of separately³.

According to this declaration, circumcision is an aesthetic operation aiming to adjust a woman's genitalia. Answering this argument, Dr. Ramadan writes:

What is the percentage of cases requiring such a levelling so that we can generalize this operation? What is the extend of the removal? And what are its harmful consequences if such a case presents itself? The operation is therefore an operation of form and ap-

¹ Shabir, p. 72-73.

² Uways, p. 13.

³ Text in: Abd-al-Hadi; Abd-al-Salam, p. 114.

pearance. To this end, it would be necessary that I expose the girl to the medical problems and that I amputate her organs. The sensitivity and the pleasure are concentrated at the end of the clitoris and on the surface of skin. By amputating them completely or partially under the pretext to level or to shorten them, the woman's sexual pleasure is affected. [...] This thinking recalls us ignorant people's customs who cut tips of the ear or the nose under pretext of beauty, or shut in iron shoes the feet of little girls so that they don't grow. It is a change of God's nature under the pretext of aesthetics, based on erroneous beliefs and customs¹.

The proponents of male circumcision consider the procedure to be an aesthetic operation, and thus, licit according to Islamic law. Dr. Nigel Zoltie, ritual Jewish circumciser and member of the Initiation society, says:

Those who criticize the actual operation use emotive words like mutilation, and ascribe a wide variety of complications to the surgery. However, mutilation is in the eye of the beholder. What is mutilation to one observer may be beautiful to another: pierced body parts, for example [...]. The parents who have their children's ears pierced face the same onslaught as those who allow their sons to be circumcised? [...] Essentially, circumcision can be regarded as cosmetic surgery. Surely society does not have the right to stop people having cosmetic operations².

An opponent of male circumcision answers that dictionaries provide an objective definition for mutilation that doesn't depend on public opinion. To mutilate, according to most dictionaries, means to deprive a person or animal of a limb or some principal organ of the body; to cut off or otherwise destroy the use of a limb or organ. Thus, one cannot, according to this opponent, compare circumcision to ear-piercing as ear-piercing doesn't cause a loss of bodily function. In any case, there is certainly a difference between an aesthetic operation performed on a minor and a procedure performed on an adult. One opponent of tattooing before the age of 18 is Professor Poulter, who argues that this is contrary to law because it may result in serious injury or lead to an infection. Because marks are designed to be permanent, the person may later resent the tattoo if their original purpose later seems to him to be misguided or irrelevant³. This reasoning can certainly also apply to circumcision⁴.

When the interdiction of female circumcision was considered in the United States, it was ultimately based on respect for the equality before the law. If the United States won't allow changes in the human body for religious or cultural reasons, it certainly shouldn't allow changes in the human body for aesthetic reasons. U.S. federal law only forbids female circumcision if it takes place before the age of 18 years. After this age, this operation is not penal, except if it is imposed on a person by constraint. Dr. Nahid Toubia, a Sudanese who fights against female circumcision, had suggested the introduction of the age limit⁵.

Notice here that the interdiction of female circumcision in the United States doesn't aim to protect children who are victims of partial or total mutilation of their genitalia because doctors believe these organs are too big or too small. Approximately five children per day in the United States are subjected to such operations. Some have their small penises removed with the testes and are raised as girls. Girls with large clitoris are normalized by excising parts of the clitoris and burying the remainder deep within the genital region. Until

¹ Ramadan, p. 53-54.

² Zoltie, p. 22

³ Poulter, p. 149.

⁴ Price: Male non-therapeutic circumcision, p. 439-441.

⁵ Toubia: Evolutionary cultural ethics, p. 3-4.

recently, most victims of these interventions suffered alone in shame and silence. By 1997, an intersex movement asked the U.S. Congress to ban female circumcision altogether to protect children against this uniquely American medicalised form of mutilation¹.

2) Informed consent of the patient or his representative

In addition to satisfying the condition that the circumcision must be medically necessary, the patient or his legal representative must consent, except in cases of emergency, which never occurs with circumcisions. The consent of the patient or the representative is not as simple as signing a piece of paper. For consent to be valid, conditions exist linked to its nature, when given, and the person who gives it

A) Informed consent

The WMA Declaration on the Rights of the Patient reads:

- A mentally competent adult patient has the right to give or withhold consent to any diagnostic procedure or therapy. The patient has the right to the information necessary to make his/her decisions. The patient should understand clearly what is the purpose of any test or treatment, what the results would imply, and what would be the implications of withholding consent.
- Exceptionally, information may be withheld from the patient when there is good reason to believe that this information would create a serious hazard to his/her life or health.
- Information must be given in a way appropriate to the local culture and in such a way that the patient can understand².

For consent to be valid, it must be given freely and obtained without fraud, constraint, or mistake. For this reason, it must be based on knowledge of the utility, risks, and alternatives, which implies that the consenting person must have the possibility to ask questions before giving consent and that the physician must be able to provide a comprehensible explanation. The problem with circumcision is that it is a taboo topic rarely discussed by physicians with patients, no reliable figures exist about its risks, and education on the topic found in medical faculties is insufficient.

A physician must also be free to give information, which is not always the case, especially if the physician is in group under the direction of another physician or working in a hospital favourable to circumcision.

Many argue that visualization of an issue through a video is often the best means to help a consenting person to better understand an issue: a picture is often more better than a thousand words. However, as illustrated previously, one American hospital refused recourse to this means and fired the nurse, Marilyn Fayre Milos, for having given information to parents concerning circumcision using this means. This nurse later became a co-founder and the president of NOCIRC, the main organization opposing circumcision in the United States.

Opponents point out that hospital personnel request parents to make a decision about circumcision, which may imply the personnel's belief that the procedure is beneficial. Doctors contend they circumcise male babies because parents request it, while parents choose it because doctors do it. In all, communication between physician and parents about circumcision is often insufficient for informed consent, largely because of the emotional discomfort with the subject. The discussion may instead include incorrect tacit assumptions by the

¹ Lightfoot-Klein; Chase; Hammond; Goldman, p. 452-454.

² http://www.wma.net/e/policy/17-h_e.html

doctor and parent about what the other really wants or means. Although doctors do not require that parents choose circumcision, and parents believe they are freely making their own choice, doctors do exercise control over the parents' decisions by controlling information and sometimes making a recommendation.

Even when doctors advise against circumcision, their continued willingness to perform it at parental request suggests to parents that circumcision may not be harmful¹. That the hospital offers circumcisions can mislead parents who think this operation is good for their child. In one study, the circumcision rate was 20% when physicians opposed it and almost 100% when physicians supported it².

Opponents add also that in the United States there are 23 million illiterate people who cannot access the little available information on this topic. Also, one million minors between the age of 11 and 13 are annually asked to give informed consent. And last, a lot of people don't even know the meaning of circumcision. A recent survey demonstrates that half of mothers are unaware of whether their husbands are circumcised; 38% of the answers were erroneous, and 34% of men don't know what a circumcision is³. All these facts illustrate that consent for circumcision isn't reliable.

B) Consent before the operation

Consent for circumcision must be made before the operation, in the moment the person can think about the issue. One American physician estimates that the percentage of those giving valid consent for circumcisions was definitely lower than the 90% circumcision rate in his country. A pregnant woman is routinely asked to give consent to circumcision when she's admitted to the hospital for delivery. This is usually done before the sex of the child is even determined. If the child is a male, the doctor who performed the delivery would circumcise the infant in the delivery room. If the child was not circumcised in the delivery room, the child would go to the nursery, where the circumcision would be done later.

Doctors in training are taught that when they rotate through the nursery in the morning, they would be required to circumcise male infants born during the preceding 24 hours, if the infants had not already been circumcised. The nurse in the newborn nursery would make this routine easier by lining up all the newborn boys for the doctor to circumcise in assembly-line fashion. In the process, sometimes little care was taken to be sure that the parents actually wanted their newborn son circumcised. If, by some omission or error, someone had forgotten to have the mother sign the circumcision consent form, the signature might even be obtained after the child had been circumcised. Very few parents were able to object with any effect. The boys who escaped circumcision were those born at home or in rural areas where there were few doctors to perform circumcisions, or those whose parents were too poor to have medical insurance. All other boys were circumcised, and parents would have to go to extraordinary lengths to protect their baby from circumcision. They would inform the doctor or nurse of their wishes and a sign would be posted on the child's crib alerting everyone that the child was not to be circumcised⁴.

An American nurse and author of a book on circumcision writes that usually mothers in labour upon admittance to the hospital are bombarded with many routine procedures. Amid haste and excitement she signs a number of papers, including a consent form for circumcision. Sometimes consent for circumcision of newborn boys is written into the general admission form. Usually she signs it without thinking. That a consent form is required makes

¹ Lightfoot-Klein; Chase; Hammond; Goldman, p. 465-466.

² Goldman: Circumcision the hidden trauma, p. 46-48.

³ Wallerstein: Circumcision: an American health fallacy, p. 41-48.

⁴ Snyder, p. 491-492.

obvious that parents have the right to refuse the operation. However, parents have frequently been harassed when they have decided against circumcision. Parents have sometimes had to threaten the doctor that if the son came home circumcised he would have a lawsuit on his hands. Sometimes the doctor made the operation before even obtaining the parent's consent. In one case, hospital employees had tried at least twice to get a Jewish mother to sign consent forms allowing a circumcision there, but she refused. Just after the last request, she learned that the child had already been circumcised. Parents then instituted a suit against the hospital¹.

Just as American physicians sometimes circumcise babies before getting the consent of parents, Egyptian physicians sometimes circumcise adult women without their consent. An Egyptian newspaper published the following testimony:

I was not circumcised young. I got married and I enjoyed sexual relations with my husband. The fact that I am not circumcised created to me no problem. I fell pregnant and I presented myself to a famous physician in our city to give birth. The childbirth took place after perineotomy. When I woke up of the anaesthesia, I noticed that the physician has circumcised me without my previous consent. Having rebelled in front of him, he answered me that it is a mistake to let these parts, that their form is repugnant, that a lot of women come to him to get them removed, that he was not going to bill me for this operation, and that he just wanted to make a favour for me. I was at that moment perplexed: must I sue him and dishonour myself? At the end, I decided to be silent. As for my husband, it was equal for him. Since that moment I suffer from the sexual intercourse, I feel frigid, and I don't react. I cannot stop cursing this unfaithful physician².

Dr. Seham Abd-al-Salam writes:

It is not limited to attacks on minors incapable of choosing. Some physicians get along with backward husbands to circumcise adult women at the time of the childbirth. Some physicians even carry as volunteers and amputate on their own decision protruding parts when the women go to them for other operations or for the childbirth³.

C) Consent of the patient or his representative

Circumcision was and continuous to be performed in certain regions at the age of puberty. The Bible reports that Abraham circumcised Ishmael when he was 13 years old (Gn 17:25). The age for Jews has now been lowered to eight days, which is the age at which Isaac was circumcised (Gn 21:4). Philo explains that the Bible fixed and imposed circumcision on young children "for perhaps one who is full-grown would hesitate through fear to carry out this ordinance of his own free will"⁴. Maimonides expresses the same idea: "if the operation were postponed till the boy had grown up, he would perhaps not submit to it"⁵. In other words, it is easier to master the child and he won't be able to rebel against the family order.

Today there is a tendency to lower the age of the circumcision of non-Jews, notably when children are born in the hospital. They are circumcised before their mothers return home. In the same way, the age of female circumcision was lowered for different reasons. However, the pertinent question here is asking whether parents have the absolute power over the child to impose any kind of operation or there are limits to their power. One wonders if consent must be received from the father and mother or only one parent. When two parents or one of them refuses the operation, can religious authorities intervene to require the operation?

¹ Romberg: Circumcision, p. 117-118. See also Van Howe (et al.): Involuntary circumcision, p. 65.

² Jaridat al-sha'b 18.11.1994, quoted by Ramadan, p. 82.

³ Abd-al-Salam: Khitan al-inath, p. 29.

⁴ Philo: Questions and answers on Genesis, Book III, 48.

⁵ Maimonides: The Guide for the perplexed, section III, chapter 49.

Finally, one wonders if the adult has the ability to agree to his own circumcision. We start with the latter point.

a) Consent of the adult

Jewish, Christian, and Muslim teachings condemn suicide. The Bible forbids people to harm their own bodies, whether through tattooing or scarifying. Muslim law forbids tattooing and self-mutilation, because the person doesn't have the right to dispose of his own body. This prohibition is based on different verses, including the following two:

- Say: "To whom that is in heavens does it belong and on the earth"? Say: "To God" (6:12).
- Don't expose yourselves, of your own hands, to the perdition (2:195).

The famous physician and philosopher Al-Razi (d. 925) says:

As well as a man, according to reason and justice, must not submit others to suffering, he does not have the right to submit himself to suffering¹.

If no one has the right to take his own life or harm his own physical integrity, *a fortiori* he cannot do either to through other persons who are also required to respect the life and physical integrity of others. But this principle has its limits in religious law. For example, penal sanctions, including the amputation of limbs, are imposed with or without a person's consent. This same is true with male circumcision, according to the Bible and the Muslim jurists, even though routine male circumcisions are performed without a strong religious basis, as seen in the religious debate.

Examined from a positive law perspective, it must be noted that neither the national nor international legislature regulates suicide, even though such an act is socially disapproved. Concerning self-mutilation, the national legislature foresaw the necessity of imposing protective psychomedical measures when a self-mutilator acts under the effect of mental troubles. There are also sanctions for when a mutilation is provoked to escape military service.

As for male or female circumcision performed by an adult man or woman on himself or herself, I personally don't see any human rights violation or anything illegal with such an act, even though I consider such an operation superfluous and damaging for the person. Certainly, from a moral perspective, we may feel that such a person has committed an injustice toward himself, but it would be excessive to legally forbid or punish him for this act, unless performed to escape military service or other duties.

It's interesting to note that the British authorities passed a law against female circumcision in February 1944, which reads "a woman can, by causing hurt to herself, commit an offence". I recently talked with a French man from Toulouse who wanted to circumcise himself. He seemed surprised that I didn't discourage him from performing such an act, given my well-known hostile position to circumcision. As I explained to him, I am opposed to the circumcision of minors, who cannot speak and choose for themselves, but I am not interested in the circumcision of freely consenting adults - everyone generally has the right to be foolish.

There is not doubt that an adult has the right to consent to a medical operation performed by a physician when this operation is dictated by medical considerations. The physician who operates on the basis of this consent and according to medical rules and ethical norms is following the law. He cannot be pursued for having attempted to infringe upon the physical integrity of others or the person's life when the consenting patient dies following this operation. However, the problem with routine male circumcision is that it's not performed

¹ Al-Razi, p. 105-106.

out of a medical necessity. If we apply legal norms correctly and precisely, one must conclude that a physician doesn't have the right to amputate a healthy organ of an adult person even though the adult consents. This would be obvious for the amputation of a finger or a foot. This point of view, however, is not shared by all, including as regards its application to female circumcision, so much decried by the international and national legislature.

A 1982 Swedish law provides: "It is an offence to carry out an operation on the outer female genital organs with a view to mutilating them or to bringing about other permanent changes in them, whether consent to the operation has been given or not". It means that the consent of an adult person is not sufficient to justify the operation. The Swiss academy of medical sciences, in its decision of August 24, 1983, stated:

- Anyone, be it a physician and practicing in clinical conditions beyond reproach, who performs sexual mutilations on children and teenagers of the female gender, is guilty of serious deliberate bodily assault according to article 122 of the Swiss Penal Code. This person therefore must be prosecuted automatically.
- Moreover, this person violates the fundamental rights of a human being in performing a degrading and cruel procedure on a minor incapable of judgment and who is unable to enforce her own claim to the right to physical integrity.

This text means implicitly that a physician can perform a female circumcision on a consenting adult. The position of the Federal council as expressed on March 1, 1993, is less clear; it reads: "whoever proceeds to the ritual interventions mutilating the sexual organs, notably of children and little girls, becomes guilty".

The 1985 British law doesn't mention the criterion of age and seems to punish female circumcision in general, whether performed on a minor or an adult with her consent.

The 1995 U.S. federal law reads: "whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both". Thus, female circumcision is criminalized in the United States only if it is performed on a person of less than 18 years.

As for male circumcision, there are no laws that forbid this operation at any age. The medical associations of Australia, Canada, the United Kingdom, and the United States allow parents, when making the decision to circumcise their male children, to take into account cultural, religious, and ethnic traditions, in addition to medical factors when making this decision for their minor sons. A fortiori, an adult can allow a physician to circumcise him for religious or cultural reasons, and the physician who circumcises an adult cannot be pursued for infringing the adult's physical integrity.

Opponents of male and female circumcision argue that physicians must, consistent with ethical norms, limit their interventions to operations that are in the interest of the patient. Therefore, the physician who amputates a sexual organ should be pursued as if he amputated a healthy finger, even though the patient is adult and consenting. This is, for example, the position of Dr. Seham Abd-al-Salam, who argues that if an adult converts to Islam or Judaism and believes that circumcision is a part of his new conviction, the only means he has to get circumcised is to perform the circumcision himself. He must, she says, bare the consequences of his convictions¹.

This issue is especially tricky. Certainly, one must consider the circumcision as any other operation and must submit it to the same criteria. But in the struggle against male and fe-

¹ Private correspondence with Dr. Seham Abd-al-Salam.

male circumcision, priority must be granted to minors, who must be left intact until he reaches the age of consent. Hopefully adult boys will understand the futility of this operation. Indeed, the rate of adult males who undergo circumcision is very low. Nevertheless, if an adult still wishes to get circumcised, by religious conviction or by caprice, he should have the right to have a physician perform the procedure, to avoid medical complications. A physician, at the same time, must have the right to refuse to perform the operation if he or she feels it's contrary to his conscience and medical deontology.

This solution is, of course, not entirely satisfactory. One can easily imagine a situation in which even an adult is not able to freely consent. Age in itself is not a guarantee of informed consent. For example, an 18-year-old woman who lives in a traditional milieu has little possibility to refuse a circumcision if this milieu feels this practice is part of its convictions and traditions. Similarly, Soviet Jews who immigrated to Israel feel obligated to get circumcised to receive material advantages. Also, if a person converts to Islam or Judaism, it is possible to visualize a religious environment that emits spiritual threats to uncircumcised persons, thus invalidating free consent.

Dr. Denniston, an opponent of male circumcision, argues that it is necessary to provide adults with the freedom of choice:

Infant and childhood circumcision must be stopped. Males should be allowed to grow up with intact genitalia. Once they have reached the age of majority, they can decide for themselves, with fully informed consent, whether they wish to have part of their penis amputated. Males should be allowed to decide for themselves whether they wish to take whatever small risk there might be - if indeed there is any - in living life with an intact penis. If we grant people the right to smoke and drink, can we ethically deny people the right to intact sexual organs?¹

Somerville also estimates that "there is no problem, ethically or legally, in carrying out non-therapeutical circumcision on a competent adult man, who has given his informed consent to being circumcised. It is, or is equivalent to, cosmetic surgery which we allow". Somerville adds, however, that such an operation "must be carried out in a competent manner by persons with appropriate qualifications and in circumstances which do not themselves present any real risk, such as the risk of infection, to the person's life or health².

Nahid Toubia, although opposed to female circumcision, is not opposed to this practice being performed on adult women. She writes:

Since adults in the United States have the right to consent to body altering operations, we suggested that requests from female circumcision above the age of 18 should be legal. This means that those who want to alter their bodies for reasons of religion or culture should not be considered different from those requesting alterations for cosmetic reasons. This change is now incorporated in the 1996 criminal law³.

Toubia explains in another article, however, that before responding to the desire of the adult girl, it is necessary to offer her information to make an informed decision and to offer her the possibility of pursuing her education or a job. When she becomes entirely independent to express her opinion freely, she then acquires the right to be circumcised⁴. This point of view was also expressed at the symposium organized by the Egyptian society of physicians on October 25, 1994:

¹ Denniston: Circumcision: an iatrogenic epidemic, p. 108.

² Somerville: Respect, p. 416-417.

³ Toubia: Evolutionary cultural ethics, p. 3-4.

⁴ Toubia: Verstümmelung, p. 78-79.

1) Female circumcision will be allowed in the following conditions:

- a) The operation must be performed in the adult age (on demand of the girl and his guardian), age in which the girl's outside genitalia become obvious and formed; it must not be performed on young girls¹.

The vice-president of the Egyptian Court of Cassation expresses a similar opinion, although he's opposed to female circumcision:

It would be necessary to give to the girl the right to undergo this operation after having reached the age of majority in the respect of her humanity and in sign of esteem for her, especially as there is no reliable scientific proof that demonstrates that there is a damage or a medical obstacle to this operation after the girl's majority².

b) Limits of legal representative

Historically, circumcisions on minors were performed in American hospitals by physicians without the consent of parents. Today, all agree that the physician must obtain the informed consent of parents. This fact is one of the reasons circumcision rates dropped from 90 to 60%. But this rate remains much too high compared with the rate in Scandinavian countries, which is about 1%.

Even if parents bestow informed consent for routine male circumcision, we must then inquire whether they are abusing their power by doing so. To answer this question, we must examine the limits of a representative's power.

The Child's convention reads in article 18, par. 1:

States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

The WMA Declaration on the Rights of the Patient includes several principles relative to a representative's power:

- The patient shall always be treated in accordance with his/her best interests [...]
- If a patient is a minor or otherwise legally incompetent the consent of a legally entitled representative, where legally relevant, is required.
- If the legally incompetent patient can make rational decisions, his/her decisions must be respected.
- If the patient's legally entitled representative, or a person authorized by the patient, forbids treatment which is, in the opinion of the physician, in the patient's best interest, the physician should challenge this decision in the relevant legal or other institution. In case of emergency, the physician will act in the patient's best interest³.

According to these principles, a child's interest is the criterion one must use to judge measures decided by parents. The physician who believes the decision of parents, either in refusing or soliciting a treatment, is not in conformity with the child's medical interest, must refuse to execute their request before obtaining a decision by a competent authority.

¹ Text in: Abd-al-Hadi; Abd-al-Salam, p. 114.

² Uways, p. 14.

³ http://www.wma.net/f/policy/17-h_f.html.

This principle is applied only to female circumcision. At all times when Western or international legislatures applied this principle, they refused to grant to parents the right to decide for their minor girls.

This is not the case with male circumcision. As we saw before, the medical associations of Australia, Canada, the United Kingdom, and the United States recognize that male circumcision is not a medically necessary operation. Nevertheless, each organization allows physicians to perform circumcisions on the demand of parents for religious or cultural considerations.

The allowance of this practice is contrary to the WMA's oath of Geneva that reads:

I will not permit considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, or social standing to intervene between my duty and my patient¹.

The Commission for the Reform of the law in Queensland, Australia, has said male circumcision performed on a child is not in a child's best interests, adding: "on a strict interpretation of the assault provisions of the Queensland criminal code, routine circumcision of a male infant could be regarded as a criminal act. Further, consent by parents to the procedure being performed may be invalid in light of the common law's restrictions on the ability of parents to consent to the non-therapeutic treatment of children". Nevertheless, the Commission said that "because of the fairly widespread community acceptance of the procedure it is unlikely, at this time, that a prohibition on routine neonatal male circumcision would be universally supported"².

The Australian association of paediatric surgeons decided in 1996:

We do not support the removal of a normal part of the body, unless there are definite indications to justify the complications and risks which may arise. In particular, we are opposed to male children being subjected to a procedure, which had they been old enough to consider the advantages and disadvantages, may well have opted to reject the operation and retain their prepuce³.

Thus, it would be necessary to let the child decide if he wants to be circumcised when he is adult. Unfortunately, this is merely an ethical norm, without penalty of legal sanction.

Proponents of male circumcision reverse the argument, maintaining parents have only given the consent their children would give when they become adult. In legal terms, parents act as administrators and make decisions in place of their children. Freeman writes: "Parents are only doing to their children what the overwhelming preponderance of them would wish done were they able to express a view"⁴. But this opinion is contrary to statistics indicating that among males in the United States who were not circumcised as children, only 0.3% choose to undergo circumcision later in life, thus suggesting parents who elect to have their sons circumcised violate the principle of substitute consent⁵. On this point, an American physician writes:

What moral or legal right does any parent have to remove a valuable and normal segment of another human being's body? Would it be moral or legal to remove the tip of every male's left little finger, or to knock out a front tooth, because it was fashionable and everyone else was doing it? A newborn infant is helpless. He cannot defend him-

¹ Ibid..

² Queensland law reform commission, p. 38-39.

³ <http://www.cirp.org/library/statements/aaps/>

⁴ Freeman, p. 74.

⁵ Van Howe (et al.): Involuntary circumcision, p. 65.

self. He entrusts his proper care to your wisdom and kindness. A parent should not violate that trust¹.

Some opponents to Jewish circumcision view routine male circumcision as a theft because parents are depriving the child of a foreskin that belongs to him. Therefore, parents behave contrary to the biblical command: "You shall not steal" (Ex 20:15)².

c) Consent of father or two parents

Article 18, par. 1 of the Child's convention reads that states must "use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child". In other words, the father and the mother must jointly make the decision to circumcise their son. If one of the two parents refuses to consent to the operation, the physician must not perform the operation until a court resolves the issue. Because circumcisions don't have a necessary therapeutic character, as shown earlier, the court must delay the operation until the child reaches the age of majority so he can make the decision himself.

Miriam Pollack, Jewish feminist, bases her opposition to circumcision on the fact that God ordered Abraham to circumcise his son without consulting with the mother, Sarah. According to Pollack, men establish norms that are in their interest and determine what is sacred by imposing their will. According to her, the mother should have the same right as her husband to decide her son's fate³.

Several Western judicial authorities have faced cases involving couples in disagreement over the circumcision of their sons. For example, on April 9, 1981, the Belgian Department of Public Prosecutions declared male and female circumcision an assault on physical integrity and consequently contrary to the Belgian International Public Order; thus male circumcision should not be protected under the guarantee of freedom of religion. The Court of Appeal in Liege overruled this decision, ruling that excision and infibulation are of a different nature from male circumcision - without explaining its reasoning for making this distinction. Any physician who would practice circumcision would be guaranteed medical immunity. However, the Court rejected a request from an Algerian father who wanted his son circumcised. The son, a minor, whose Belgian mother had been granted custody, had been baptized in the Catholic faith. In this specific case, the respect of the rights of the child demanded respect for his right to choose which ideology, religious or non-denominational, to embrace once he becomes an adult⁴.

In a French case an Algerian father had lost visitation rights to his two sons born of a practicing Catholic French mother. On appeal by the father, the Court of Cassation on January 26, 1994, refused to overrule the lower decision denying him visitation rights. The court partly reasoned that the father had imposed circumcision on the young children under conditions threatening their equilibrium⁵. On further appeal, the Court of Rennes described the circumcision as "evidently a lesion since it reached to the physical integrity", adding "that it is improper to say that the practice is current in France" and that "the majority opinion is unfavourable to circumcision except for a medical reason". In this case, the father argued that the Catholic mother had given "her tacit consent to the circumcision by accept-

¹ Ritter, p. 13-1

² Goldman: Circumcision: a source of Jewish pain.

³ Pollack: Circumcision: a jewish feminist perspective, p. 185; Pollack: Redefining the sacred, p. 163-173.

⁴ Revue trimestrielle de droit familial, 1982, p. 331-334; Foblets, M. C.: Salem's circumcision, the encounter of cultures in a civil law action, a Belgian case-study, dans Living Law in the Low Countries, special issue of the Dutch and Belgian Law and Society Journal, [1990?], p. 42-56.

⁵ Cass. 1er civ. 26.1.1994: B... c. Dame M... - Pourvoi no 92. 10.838 F - Rjet (C. ap. Renens, 6e Ch. A, 23.1.1991) - 156 P + F.

ing to live with a Muslim whose traditions could not be ignored by the mother". The Appeals Court of Rennes pointed out that the reciprocal was also true - that he agreed to live with a Catholic and that he could not ignore that circumcision doesn't exist in the Catholic religion. The appeals court emphasized that women are equal to men in France. Thus, the court concluded that it was necessary for the father to obtain the mother's express consent before getting the circumcision. Without that consent, the father was required to resort to the court to get the authorization to circumcise his sons¹.

In Great Britain, a high court judge ruled in June 1999 that a five-year-old should not be circumcised against his mother's wishes, reasoning "the welfare of the child was the paramount consideration" when parents disagree over circumcision. The judge rejected an application filed by the child's father to proceed with the operation. Ritual circumcision for religious or social reasons doesn't require a court order when both parents agree, the judge explained. But when they disagree, the court must make the decision.

In this case, the father, of Turkish origin, was apparently not a practicing Muslim, and the mother, the primary caregiver, was a non-practicing Christian. Their son was to be brought up in his mother's household, and his only real contact with Islam would be through his father, who also lived in England but was not part of Muslim society. The couple separated in September 1996. The judge ruled that because there was no medical indication that the child required circumcision, he must examine the boy's likely upbringing - because the son would not be brought up in a Muslim environment or as a practicing Muslim, it was not in his interest to be circumcised against his mother's wishes. It was clear that the mother, who had initially been prepared to convert to Islam but did not do so, had no knowledge of Islam or any interest in acquiring it. The judge issued an order preventing the father from arranging for the child to be circumcised without the permission of the high court, but granted the father leave to appeal².

This case was affirmed on appeal. Here, the court reasoned that although under Islamic law the boy was born a Muslim, "a newborn child does not share the concepts of the parents". The father's lawyer argued that as a Muslim, the father had a duty to ensure his son was circumcised. Lord Justice Thorpe said it was not in the best interests of the child to be circumcised, with its risk of pain and psychological damage the boy would find hard to understand. The court added that the boy might be traumatized by the operation and that the operation and the period leading up to it was also likely to be highly stressful to the mother. The father alleged that the mother had given assurances that any male child would be circumcised, but the court responded that it cannot agree to an operation when one parent disagrees, unless the boy would benefit from the operation³.

In a Swiss case I know, a Christian wife received a divorce from her Muslim husband, because the father wanted to circumcise the son. She also received custody of the son. In Belgium, a Christian woman was separated from her African, Christian husband. The woman refused to circumcise her son, but the father insisted. This particular woman contacted me for advice, and I advised her to seek help under the protective Belgian authority of minors. Under this authority, the husband should, in principle, be prohibited from circumcising her son without a judge's approval. I also advised her to visit a physician to examine her son and to confirm that circumcision wasn't medically necessary. If the father circumcised the son without her approval, she would now be able to pursue him legally. After pressure from the father, a particularly violent man, the mother agreed to have her

¹ See note of Christine Choin, *Recueil Dalloz Sirey*, 1995, 15ème cahier - Jurisprudence, p. 226-229.

² *Times*, 7.5.1999, p. 6; *Guardian*, 7.5.1999, p. 12.

³ *Guardian*, 26.11.1999.

son circumcised by a physician. I then advised her to require that her husband assume all expenses relating to the operation and any complications, adding that he must return the child to the mother only once he had healed from the operation. After the mother heard about the death of a child circumcised in a hospital, she eventually changed her mind before the operation and insisted that her son remain intact, unless the court decided differently.

To avoid cases like these, I counsel in my booklet on mixed marriages that the two fiancés should sign a contract before the marriage in which they affirm that the child, male or female, will remain intact until the age of 18 years and will then decide for himself or herself whether to be circumcised¹.

d) Religious authority intervention

Physicians, as religious authorities, are generally accustomed to imposing their decisions without discussion. Physicians are representatives of science, while others are representatives of divinity. All two believe they are infallible and can act only for the person's and society's best interests.

If a parents' refusal to circumcise their children can cause economic loss to physicians and place their power in question, the religious authorities also consider this refusal a challenge to their power.

Muslim law affirms that every child born of one or two Muslim parents is necessarily Muslim and must remain Muslim for all his life. The same is true for a convert. Because circumcision is a mark of adherence, the religious authorities, without a strong religious basis, require male Muslims (and for some authorities, female Muslim) to undergo circumcision. Some jurists even call for death penalty or even war against recalcitrants. Jad-al-Haq, sheik of Al-Azhar, published a *fatwa* in 1981 and in 1994 in which he says:

If a region stops, of common agreement, to practice male and female circumcision, the chief of the state declares war against that region because circumcision is a part of the rituals of Islam and its specificities. This means that male and female circumcisions are obligatory².

When the Egyptian minister of health forbade female circumcision, the religious authorities instituted a suit arguing that his decision was contrary to Islam and the constitution that affirms that Muslim principles are the main source of the law in Egypt.

It should be noted that Arab and Muslim countries made reservations when they adhered to international conventions that affirm the right of the individual to choose his religion or the religion of his children, because such a disposition is judged contrary to Muslim law.

One finds a similar position with the Jews. According to Biblical text, when Jews abandoned circumcision in the days of the Maccabees, the priest "Mattathias and his friends went around and tore down the altars; they forcibly circumcised all the uncircumcised boys that they found within the borders of Israel" (1 M 2:45-46). When a German state promulgated a law in the 19th century giving parents the right to choose to circumcise their children, Jewish religious authorities intervened asking the state to abolish the law³. At that time, a Vienna physician had refused to circumcise his son, considering the circumcision risky and criminal. A rabbi hurried to institute a case before a "medical court" to confirm

¹ Aldeeb: Mariages, p. 28-29 and 36.

² Aldeeb: Khitan, vol. I, annex 6.

³ See part 2, chapter 1, section 3.3.

the Jewish community's right to circumcise the child without the father's consent. The rabbi published an article on this issue in 1857¹.

In Victor Shonfeld's 1995 film *It's a Boy*, rabbi David Singer, a *mohel*, appeared circumcising an 8-day-old infant whose mother was Jewish but whose father was not. The infant finished up in the intensive care unit in hospital. Singer commented:

It is incumbent on the father of the boy to have the circumcision performed. If for any reason he does not have that done, then the Beth Din, the Jewish court, should see to it that the circumcision takes place. Today, seeing that the father is not Jewish, I am acting on behalf of the Beth Din, the Jewish rabbinical court².

On this point, there are two articles written by Israeli Jewish physicians in opposition to male circumcision in which they state:

There have been well-publicized cases in Israel where it was found, after the surgery had been performed, that the child had been circumcised either against the will of the child's parents or guardian or in situations where the parents were not united in their view regarding the execution of the circumcision. In one case, for example, two *mohels*, who assumed that the infant's mother was in favour of letting her child be circumcised, performed the operation, after which it was revealed that the *mohels* had acted without the mother's approval and against her will³.

It should be noted that rabbis have circumcised Jews who died without being circumcised before burying them, without even asking the parents' authorization. This issue has provoked an agitated debate in the Knesset⁴.

The attitude of Muslims and Jews doesn't differ from the attitude of primitive tribes of Africa. Funani writes about the practice of a South-African tribe:

The feeling is so strong that an uncircumcised male past circumcision age may be overpowered by a group of men and circumcised against his will. This does not happen only with the Xhosa. Recently in Lebowa respectable citizens - school principals, inspectors, etc. - were suddenly forcibly circumcised. In Kwa Ndebele an uncircumcised male was made member of the cabinet; the Ndebele would have none of it. They forcibly circumcised him... Around 1987 the Pedi rounded up a whole lot of males, among them a school principal, and circumcised them⁵.

3) Authorization to exercise medicine respecting medical norms

For a circumcision to satisfy medical standards, it must be medically necessary, performed only after the valid consent of the patient or his legal representative, and be performed by an authorized person of the medical profession who follows medical norms.

A) The principle

The right to life and physical integrity are among the most important rights a person has; thus, it's expected that the state will intervene to determine those who benefit the legal dispensation and the medical acts they can exercise. Members of the medical profession are subject to norms relative to the formation that they must acquire and to their reports with patients. The Caliph Al-Muqtadir (d. 932) charged his physician Sinan Ibn Thabit Ibn Qirrah to examine physicians before permitting them to exercise their profession. The *muhta-*

¹ Hirschfel: The Jewish circumcision.

² It's a boy, film par Victor Schonfeld, 1995, Broadcast Channel 4 TV, 21.9.1995; Price: Male non-therapeutic circumcision, p. 432.

³ Zoossmann-Diskin; Blustein, p. 343. Article in: Ma'ariv, 24.9.1993.

⁴ See part 2, chapter 1, section 2.7.

⁵ Funani, p. 53

sib, the market police, which probably inspired the ombudsman's institution, controlled the activities of physicians, pharmacists and herbalists, and was authorized to punish breaches and forbid them to exercise their profession¹.

Even before the state regulated the medical profession, physicians prescribed ethical norms for themselves, some of which are embodied in the famous Hippocratic Oath (d. 377 B.C.). This oath, translated in Arabic by Hunayn Ibn-Ishaq (d. 911), with slight modifications aiming to discard its paganist aspects, has been imposed on Arab and Muslim physicians². Today, national and international organizations and the state watch over the medical profession to avoid problems and to assure patients the respect of fundamental rights.

B) Application of principle in Israel and in West

Circumcisions are operations that escape regulation and review by the state and medical organizations. People who don't have necessarily medical credentials perform them: barbers, blacksmiths, midwives, nurses, rabbis, etc. All of these oppose any state intervention with circumcisions, even though the goal of the state and medical organizations is to avoid medical complications and the propagation of epidemic. An orthodox *mohel* writes:

The last thing which the observant Jewish community desires is governmental licensing since this often degenerates into a not so subtle ruse through which to eliminate traditional norms of *bris milah* and convert it into an aseptic, cosmetic, standardized surgical procedure totally devoid of religious meaning and value. Such governmental regulation would ultimately result in a doctor performing the surgical procedure and a rabbi or cantor saying the blessings and chanting the liturgy – a totally worthless exercise in the eyes of Jewish law. The next step might be to outlaw *milah* altogether, which unfortunately has happened at times throughout Jewish history³.

In Israel, there is no legislation dealing with circumcision. For dozens of years, efforts have been made to settle the issue, but they have all been met with a wall of resistance from religious circles. Circumcisions are partially supervised by an inter-office committee shared by the ministries of health and religious affairs and by the chief rabbinate. This committee consists of doctors and religious clerics and has the authority to offer certifications to *mohels* and to recommend operative techniques. But it has no authority to forbid or prevent the activity of those not authorized by it or those whose certification has not been renewed.

The committee also does not enforce adherence to its recommended techniques for circumcision. Many *mohels* perform circumcisions using arcane techniques and procedures unique and known only to themselves. *Mohels* frequently use dangerous substances containing adrenaline that endanger the health and lives of babies they circumcise, even though the use of these substances is prohibited. The committee has, however, taken no disciplinary action against these *mohels*. Efforts to educate *mohels* about the medical necessity of leaving the foreskin intact if the infant is born with hypospadias have also failed⁴.

In the December 15, 1995, edition of the *Jewish Bulletin of North California*, a case was reported involving a circumcision performed in Israel by a 13-year-old boy, a son of a *mohel*. Responding to protests from the *National Council for the Child*, the Religious Affairs Ministry said: "The profession [of *mohel*] passes from father to son, and there are no courses. One must receive a license from the rabbinate in order to perform [ritual circumci-

¹ Al-Bar: *Al-mas'uliyah al-tibbiyyah*, p. 35-41.

² Text in Ibn-Abi-Usaybi'ah, p. 35-36. See also the text in Subhi; Zaydan: *Fi falsafat al-tib*, p. 165-166.

³ Romberg: *Bris Milah*, p. 38.

⁴ Zoosmann-Diskin; Blustein, p. 345-346.

sion], but a father may authorize his son to do it". He added: "Anyone who regards himself as having been harmed may complain to the police".

The *Jerusalem Post* of August 14, 2000, reported that a baby was seen at the Haiemek hospital of Affula for the amputation of his penis below the corona by a religious *mohel*. The child's parents refused to release the *mohel*'s name and didn't institute a suit against him. Rabbi Yosef Weisberg, national supervisor of the ministry overseeing ritual circumcisions and a Jewish orthodox Hassidic, speculates that Israeli law doesn't address male circumcision because of pressure by American Conservative, Reform, and female circumcisers who are afraid they'll be left out. This rabbi pointed out that a growing number of Jewish parents are avoiding the ritual and having their babies circumcised in hospitals. He added that any *mohel* who amputates a penis while performing a circumcision must be blind, intoxicated, or pushed while performing the circumcision. The author of this article specifies: "There is nothing to prevent anyone from buying a scalpel and advertising himself as a *mohel*; moreover, no one has the authority to force into retirement ageing circumcisers whose hands shake or who are visually impaired"¹.

The *Jerusalem Post* of December 13, 2000, reported that the High Court in Israel ruled that any physician approved by a hospital can perform a circumcision. This decision was rendered following a complaint filed by a private clinic against the Health Ministry's refusal to include the doctors on its list of approved *mohels*. By rendering its decision, the High Court ended the monopoly *mohels* had in Israel.

Rabbi Weisberg has criticized this decision, contending that physicians don't respect religious norms. According to these norms, the edge of the foreskin must be ripped using the fingernail, and a physician cannot do this wearing surgical gloves. Moreover, these norms don't permit the utilization of anaesthesia. Weisberg complained that parents prefer physicians to *mohels* to the point that mohels have changed profession due to the lack of work. He knows many physicians who have closed their practices and are now just performing circumcisions. It must be noted that the High Court in this case did not question the right of *mohel*, who is not a physician, to perform circumcision, a medical act.

The situation in Western countries is not better than in Israel. No Western country regulates the operation of male circumcisions. As a medical operation, it should, in principle, be performed only by recognized and registered surgeons. But this is far from the case. In Britain, for example, an Initiation society was established in 1745 and is now operating under the auspices of the court of the chief-rabbi of Great Britain. The society's role is to train and license *mohels*. The training program takes about six months, and students must be observant Jewish men. Any applicant is initially interviewed by the court of the chief-rabbi. The student is expected to attend 40-50 circumcisions before performing one alone. These should be performed by *mohels* who are also doctors. A two-part examination must be passed. The first part is a practical examination in which two members of the medical board of the Initiation society observe the student performing a circumcision. The second part is a theory examination before the court of the chief-rabbi, to ensure the student understands Jewish law that pertains to circumcision.

There are around 45 *mohels* currently practicing in the United Kingdom. Some circumcisions are performed by other practitioners who do not fall under the aegis of the Initiation society. Moreover, *mohels* don't limit themselves to circumcising only their coreligionists, but spread their activities to other religious communities². According to information available on the Internet, *mohels* are charged with circumcising boys of the royal British family

¹ Siegel: Baby recovers from brit mila amputation; Siegel: Baby's penis reattached after botched circumcision.

² Glass, p. 20.

because of its supposed blood ties with the Jews. Interestingly, of the men in the royal family, only the two sons of the late Princess Diana remain intact due to her opposition to circumcision.

In France, some circumcisers are physicians, but one also finds circumcisers who are rabbis, cantors, ritual butchers, teachers, leaders of community, booksellers, etc. Some circumcisions are even performed by a *mohel* in the presence of a physician. The theoretical and practical training for this profession is performed with a confirmed *mohel*. The aspirant must learn the Jewish law concerning circumcision: biblical and talmudic texts, various rabbinical codes, registers of circumcisions, and some esoteric literature, notably the one of the Zohar. He must also observe a *mohel* during circumcisions. When the master thinks that his pupil is ready to perform a circumcision alone, he gives him a certificate noting the number of operations he attended and performed and he confirms his technical faculties. In France, Jewish circumcisers also operate on Christian and Muslim children¹.

In the United States, physicians and non-physicians are not allowed to perform female circumcision, but *mohels* (unlicensed by the medical community) are allowed to perform male circumcisions. Some hospitals even have *mohels* on staff to perform this operation. These *mohels* recourse to anaesthesia whereas this act is reserved to the only anaesthetists². Some American states even include an exception for circumcision in their laws regulating the medical profession³. Opponents of male circumcision argue this situation is contrary to the principle of non-discrimination⁴. Circumcisions are also performed in the American hospitals by paediatricians, obstetricians, gynaecologists, general practitioners, and even nurses. All these people use anaesthesia without resorting to an anaesthetist⁵.

Proponents of circumcision try to justify the practice of circumcision by non-physicians by the fact that it is a minor operation⁶. Opponents answer that such an affirmation illustrates ignorance of the serious medical complications, even death, that can result from circumcisions. When it is performed on older children and adults, it often requires general anaesthesia with an average recovery time of nearly two weeks⁷.

There are apparently no legal judgments in any of the four aforesaid countries - France, Israel, the United Kingdom, or the United States - that condemn a non-physician for practicing a non-authorized medical act, even when the circumcision leads to medical complications or death. This situation is, in our opinion, a violation of laws, a lack of respect for the child, and the result of political cowardice.

Most recently, after a circumcision led to the death of a Muslim boy, Sweden adopted a law that went into effect on October 1, 2001. This law requires that the *mohel*, or any non-doctor carrying out circumcision, be assisted by an authorized nurse or doctor to administer local anaesthesia. It caused uproar among the Jewish community in Sweden and abroad. Jewish groups from Europe, Israel and the United States meeting in Madrid discussed the law, which they view as an unjust restriction on their religion, according to Lena Posner-Koeroesi, the chairwoman of Stockholm's Jewish community. "The reactions I have encountered have been of incredible indignation, where people have compared the regulation

¹ Hidirolou, p. 39-61.

² Wallerstein: Circumcision: an American health fallacy, p. 160-163.

³ Delaware: 24 Delaware Code § 1703 (e) (4); Minnesota: Minnesota Statute § 147.09 (10); Montana: Montana Code § 37-3-103 (b); Wisconsin: Wisconsin Statute § 448.03 (g).

⁴ Svoboda: Routine, p. 211.

⁵ Wallerstein, p. 145-153.

⁶ Haberfield: The law and male circumcision, p. 92-122; Haberfield: Responding to Male circumcision, p. 379-85.

⁷ Van Howe (et al.): Involuntary circumcision, p. 66.

to those Nazi Germany implemented against the Jews", Posner-Koeroesi told the Swedish news agency TT. The World Jewish Congress spokesman said: "This is the first legal restriction placed on a Jewish rite in Europe since the Nazi era. This new legislation is totally unacceptable to the Swedish Jewish community"¹. This reaction indicates that religious norms are, for these Jews, more important than the child's interests! Let's remember here that Sweden forbids female circumcision, with or without anaesthesia. Therefore, the Swedish law is discriminating the boys.

C) Application of the principle in Egypt

The 1st article of the Egyptian Law 415 of 1954 forbids the practice of the medical profession or any medical act, including surgery, by those not registered on the register of the health ministry and the *Egyptian Society of Physicians*. Article 2 adds that to be registered, it is necessary to have obtained a license in medicine and surgery from an Egyptian university and to have passed the period of prescribed obligatory practice. Article 10 imposes penal sanctions, and the closing of a clinic, for the illegal exercise of the medical profession. Article 1, par. 2 of Law 481 of 1954 allows midwives to perform some medical acts, but not surgical operations.

Egyptian laws also include limitations on the practice of circumcisions. We recall here the main elements of those laws:

- The ministerial decree no 74 of 1959 forbids non-physicians to perform the operation of female circumcision, and this last must be partial, and not total. It is prohibited to perform this operation inside the establishments of the Ministry of health. Midwives cannot perform surgery acts, including female circumcision.
- The instructions of the Minister of health of October 19, 1994 forbid the practice of male and female circumcision by non-physicians and outside of the offices equipped to this purpose within the public and central hospitals. They foresee the application of the law relative to the exercise of the medical profession against the contravening persons. All educational or central hospitals must designate two weekly days for male circumcision, and one weekly day for female circumcision.
- The instructions of the Minister of health of October 17, 1995 forbid the operations of female circumcision in the public and central hospitals.
- The decree 261 of the Minister of the health of July 8, 1996 includes the legal norms in force. This decree says:
 - 1) Interdiction to perform female circumcision in public or private hospitals or clinics excepted the cases of illness decided by the director of the section of gynaecology and obstetrics in the hospital and on proposition of the treating physician.
 - 2) The practice of this operation by a non-physician will be considered as a penal offense according to the laws and regulations.

According to this last law, a physician who performs a female circumcision without a medical reason commits a criminal act punishable under the penal code. If a non-physician does this operation, he is punished for two reasons: for having committed an act forbidden by the penal code and for having performed a medical act without authorization. Egyptian courts have confirmed this position in decisions concerning circumcisions that resulted in complications performed by non-physicians.

In one case, an Egyptian court condemned a barber that had performed a boy's circumcision that resulted in the boy's death. Unlike the physician, the court explained, the law does

¹ Reuter 7.6.2001; AFP 8.6.2001.

not protect a barber if his act leads to death or infirmity. The court refused to take in consideration the barber's laudable or charitable objective or lack of criminal intent. In this case, the court applied article 200 of the penal code, which imposes three to seven years detention with forced work for provoking voluntary injury without intending to cause death but causing it nevertheless¹.

In another case, the Egyptian Court of Cassation ruled that a midwife doesn't have the right to perform a circumcision, because circumcisions are reserved only to physicians according to the 1st article of Law 415 of 1954. The court added that all infringements of physical integrity, outside the case of necessity foreseen by the law, are punishable, excepted those acts done by a physician. The midwife in question had circumcised a boy in an erroneous manner by cutting the glans penis, causing an infirmity estimated by the court to be 25%. The court subjected the midwife to detention for six months with forced work, under the first offenders act for three years².

The Egyptian High Administrative Court ruled, in an unpublished opinion dated December 28, 1997, that female circumcision is a medical act that can be performed only by an authorized physician for therapeutic reasons.

Those opposed to female circumcision share this opinion. For them, the physician, the non-physician and the girl's parents must be punished if female circumcision is performed³, unless a physician performs it for a medical reason⁴. However, when female circumcision is performed for non-medical reason by an authorized physician according to medical norms, proponents estimate that neither the physician nor the parents would be pursued, even though the operation results in medical complications or death, as long as there is no fault⁵.

While the position of the legislator and courts is clear on this point, it is not so clear in practice. Indeed, the great majority of male and female circumcisions are performed in Egypt without medical reason and by circumcisers who are not allowed to exercise the medical profession. These circumcisers overtly display their offices and their profession under the eyes of the police. It is only when there is denunciation on behalf of parents because of an unsuccessful circumcision that the courts rule an unauthorized medical act was performed. Thus, one can understand the astonishment of the barber arrested for having accepted to be filmed on August 7, 1994, by CNN while he circumcised a girl in Cairo. This barber had certainly performed many other circumcisions before and undoubtedly knew hundred other barbers who circumcised like him. Therefore, he could not understand why he was the only one arrested by the police. There is clearly gap between the law and the practice, between the ideal and the feasible. This is what we will see in the next chapter.

Chapter 7.

Interdiction of circumcision between ideal and feasibility

If one truly wants to obey laws and respect human rights for all, male and female circumcision must be treated like any other medical operation, without any distinction on the basis of sex or religion. Thus, these two operations should be allowed only if performed by phy-

¹ Magmu'at al-qawa'id al-qanuniyyah 1931-1955, criminal division, session of 28.3.1938, vol. 2, p. 824.

² Qararat Mahkamat al-naqd, criminal division, session of 11.3.1974, year 25, p. 263.

³ Uways, p. 14.

⁴ Taha: Khitan al-inath, p. 104-115.

⁵ Ibid., p. 116-117.

sicians, for therapeutic reasons, and only after obtaining the informed consent of the patient or his representative. Any circumcision that doesn't fulfil these three conditions must be legally pursued, without consideration to the gender or religion of the victim, his parents, or the circumciser.

This is the ideal, but reality is different. The reality is that legislative, judicial, and executive authorities, as well as medical organizations, are reticent to take efficient measures against circumcision, notably male circumcision. Every year thirteen million boys and two million girls fall victim to this practice and at least 99.9% of these circumcisions don't satisfy the three medical conditions. The next question, therefore, is why reality doesn't correspond to the ideal and how societies can reach this ideal.

1) Law and extensively spread practices

Lightfoot-Klein interviewed a circumcised Sudanese woman. Here is an excerpt of the interview:

- Q: Do you think your girls will have any difficulty in this society if they are not circumcised?
- A: I don't think so, because there are some people in Khartoum now who are not doing it. Times are changing a little. In 200 years people will not do it any more.
- Q: Do you feel that it will take that long?
- A: Yes, maybe even more. Maybe 300. Even educated people will do it as before. If they had strong laws and enforced them, it could be over much sooner. If they took all the midwives who do it and put them in jail, it would stop. If you killed a few publicly, it would stop.
- Q: If you got rid of the midwives and nurses who do it, wouldn't there be other, untrained women who would take their place?
- A: No, I don't think so. It would stop altogether if you made an example of some of them. Then they would be afraid to do it¹.

Lightfoot-Klein reports from a Sudanese physician:

The police do not attempt to enforce the law, and when something goes wrong, the families will not reveal the name of the midwife. It would be considered terribly shameful to do so, and it would be totally impossible for anyone who did accuse a midwife to remain living in the community. Such a person would virtually be driven out. Usually when something goes wrong the family prefers to let the girl bleed to death, rather than get involved with the authorities. Recently a 4-year-old girl was brought in bleeding massively from a Pharaonic that had done a bad job. An artery had been damaged. The doctor on duty insisted that the family fill out a police form, naming the midwife so that she could be prosecuted. The family flatly refused. We were afraid we were going to lose the girl if we did not treat her. So we gave in. The midwife is doing a lucrative business as before. No one ever informs on her because she is of the same tribe as the people she does it for. If the girl dies, it is accepted as the will of Allah, and this absolves everyone of any moral responsibility².

Gallo, an Italian specialist on female circumcision in Somalia, says that the change of a custom must come from inside the community and cannot be imposed on it from outside. Such an imposition is a dangerous thing. Thus, a law forbidding circumcision is not useful and can actually have harmful effects because it will be seen as interference in family af-

¹ Lightfoot-Klein: Prisoners, p. 135.

² Ibid., p. 159-160.

fairs and a factor of tribe dislocation. Gallo criticizes Fran Hosken who argues it's possible to abolish female circumcision by law as one did with the Chinese practice of bandaging girls' feet. Gallo contends there is a difference between this Chinese practice and female circumcision in Somalia. The Chinese practice was only performed in aristocratic surroundings for aesthetic reasons. Female circumcision in Somalia, on the other hand, is spread to all social classes and is considered a religious custom. Gallo points to the experiences of Ethiopia, Kenya, and Sudan where the law didn't lead to any result, but only to political unrests. Instead of intervening from above, it is better to undertake among Somali women a global sensitization campaign as regards to health¹.

An Egyptian lawyer who handled female circumcision trials says that despite the presence of a law in Egypt, this law remains dormant

because it is unconceivable to condemn and to punish the majority of the members of the society that values female circumcision and performs it for different reasons. The law can apply by force only to a small minority that doesn't respect it and refuses to submit. In order to help people to submit voluntarily to the law, it is necessary to remove the misconception of the people and the legends that dominate their way of reasoning and push them to act against their own interests. It is necessary to make them feel that the prohibition of a practice is only for their interests, by indicating them the negative effects of the practice on the woman and, subsequently, on her husband. It is an enormous duty that weighs on us all².

Dr. Al-Fanjari says he wants to enact a stern law that forbids female circumcision, but he adds:

From the practical point of view, the enactment of a law opposed to these widespread social customs in Egypt, in countryside and in city, will be only ink on the paper if all the population is not convinced. The first to violate this law will be fathers and mothers accustomed to this practice inherited from their parents and their forefathers. The most dangerous custom is that covered with the coat of the religion. It is difficult to fight it otherwise than by the religious conviction in the first place. For this reason, the enactment of the law concerning female circumcision must be preceded by a very large sensitization campaign showing the medical damages and the lack of Islamic basis for such a custom. Illuminated physicians and religious scholars must participate to this campaign³.

2) Social customs are hard to abolish

It's clearly conceivable that a law cannot be applied prohibiting a custom adopted by the majority of the population. But we notice that the law cannot even prohibit a custom adopted by a minority of people, as it is the case in Western countries where a minority of people performs female circumcisions. Indeed, social customs cannot be abolished by a dash of the pen. There are forces that forbid the enactment of laws, and when these laws are promulgated, these forces forbid their application.

The national and international legislature has completely lost interest in the issue of male circumcision, even in countries where a small minority practices it, usually due to fear of being labelled anti-Semite or anti-Islam. As for female circumcision, the situation has changed since in the past few decades. Western and international legislatures condemn this practice and demand countries to promulgate laws forbidding it on their territory, in all its

¹ Gallo: *La circoncisione femminile in Somalia*, p. 155-157.

² Mu'tamar al-sihhah al-injabiyyah, p. 36.

³ Al-Fanjari, p. 50.

forms. Without addressing male circumcision, the legislature has adopted a repugnant discriminatory position. The condemnation of female circumcision exists because it's an issue concerning weak countries; thus, in this case, the West can impose its norms on those countries. Nevertheless, the West has still been unable to forbid this practice on its own territory for a variety of reasons.

A) Difficulties in discovering the crime and pursuing It

Circumcision is performed on minors in the family environment. Family members believe that their act is in the interest of the boy or the girl. The family doesn't feel guilt, and there's no one complaining. As the child grows, he forgets what has been done to him, adheres to the customs of his family, and practices on others what he went through. In any event, it's difficult for him to complain against his parents if he believes they only performed their duty and had no intention of harming him. In some cases, the one who performed the circumcision could already be dead or untraceable. Finally, there is the question of the prescription, reason for which some ask that the prescription begin to run only after the majority to allow the victims of the circumcision to pursue their parents or physicians.

If it is difficult to count on a family's collaboration to denounce circumcision, it is even more difficult to expect a change from the physician who feels bound by professional non-disclosure rules. Already the Hippocratic Oath reads:

Into whatever houses I enter, I will go into them for the benefit of the sick, and will abstain from every voluntary act of mischief and corruption; and, further, from the seduction of females or males, of freemen and slaves. Whatever, in connection with my professional service, or not in connection with it, I see or hear, in the life of men, which ought not to be spoken of abroad, I will not divulge, as reckoning that all such should be kept secret¹.

Certainly, the physician who has knowledge of a circumcision can reveal that fact to authorities, but he's not obliged to do so. The Swiss federal council was interrogated as to whether it could require physicians and hospitals to report on these practices so everyone could have a realistic idea of the size of the phenomenon. The Council answered March 1st, 1993: "Physicians and the auxiliary medical personnel that would have knowledge of an excision performed on a minor in Switzerland could inform the tutelary authority, this despite the professional secret". But it added:

To institute the obligation for physicians and hospitals to declare mutilations done in the country of origin would not improve our knowledge considerably on these practices in use in vast regions of Africa. It is why the Federal council doesn't see the necessity to undertake steps in order to institute such an obligation, for which a special legal basis should be created.

A lawyer, an ex-president of the Egyptian bar association, wrote:

Everyone who knows that a barber, a midwife or a physician performed a female circumcision has the right to denounce them to the concerned authorities, i.e. the police, to initiate the prosecution. Even though the victim does not complain, the action can take place because the penal aspect of the circumcision doesn't concern individuals, but all the society represented by the public attorney. The crime of lesion doesn't require a complaint on behalf of the victim. The most often the girl or her parents who agreed to the operation don't file a suit against this operation. It is therefore the district attorney to

¹ Oath of Hippocrates, in Encyclopedia of bioethics, vol. 3, p. 1731.

present the guilty to judgment so that he is castigated for his repugnant act becoming an example for others¹.

In this regard, International Amnesty² has written:

Calls on health professionals witnessing torture or other cruel, inhuman or degrading treatment or punishment, or the effects of such violations, to report their observations to their immediate manager and to their professional association. In the event of inaction by the persons so informed (or where, in the judgment of the health professional, it would be too dangerous to report to these persons), the health professional should report his or her observations to an international professional, humanitarian or human rights organization.

Even if a physician can denounce cases of circumcision of which he has knowledge, it is still necessary to know whether the circumcision took place in the country that incriminates this offense. In France, "the penal law is applicable to any crime ... committed by a French or by a foreigner out of the territory of the Republic when the victim has French nationality at the time of the infringement" (art. 113-7 of the Penal Code). In France, a mother, unaware of the interdiction to circumcise in France, brought her circumcised daughter from Gambia. After her return, French physicians noted the daughter's circumcision and notified the judicial authorities. This mother was condemned by the Court of Paris in May 1997³. The court could not judge this mother if neither the mother nor her daughter didn't have French nationality.

One German lawyer has asked that laws punishing acts committed abroad relating to the pornographic utilization of children for commercial ends (article 6, par. 6 of the Penal Code) be extended to female circumcision. If his plea was acted upon, the act of bringing a child abroad to be circumcised could also be punished in Germany⁴.

That circumcision is denounced doesn't mean in itself that there will be a legal pursuit, even in Western countries. Saurel reports about a French psychiatrist who in December 1980 went to the Palace of Justice to file a complaint based on a rumour involving the death of a little African girl caused by complications from a circumcision. Ultimately, an investigation was opened and then finished in September 1981. The inspector in charge of the investigation spent his time passing from one institution to the other, discovering other cases of circumcision. At all steps, everyone remained silent and refused to provide the necessary information for the investigation to progress⁵.

In addition to all these difficulties, there is also the fear that an investigation could expose the girl's life to the danger, as was the case in the Sudanese case related before. Another difficulty is prestige afforded physicians, for example. Physicians are generally highly respected and benefit from a certain level of immunity and infallibility. Instead of accusing him, most prefer to blame complications on a divine will. Also, a father whose son's glans has been amputated during a circumcision will frequently find it more appropriate to be silent, rather than make a scandal that again burdens himself and his son⁶.

¹ Fayyad, p. 95, quoting Jaridat al-akhbar, August 1996, s.d.

² Amnesty International: Declaration on the Role of Health Professionals in the Exposure of Torture and Ill-treatment. (1996): <http://www.cirp.org/library/ethics/AI/>.

³ Weil-Curiel, Linda: Le combat contre les mutilations sexuelles, p. 5.

⁴ Kalthegeener: Recht auf körperliche Unversehrtheit, p. 211.

⁵ Saurel, p. 95-100.

⁶ Ossoukine, p. 20.

B) Difficulty of determining responsibility

Even if a suit challenging a circumcision has been filed, one has to designate the responsible. Who must be punished, and who must be financially responsible for compensating the victim: the parents? The circumciser? The religious authorities that support the operation? The medical organizations that encourage it or adopt a weak position on it? Or the state that doesn't address the issue at all, leaving it subject to no regulation?

I recall a discussion I had in the presence of an uneducated man with a Yemeni physician concerning male circumcision. I tried to convince the physician that this practice had neither religious foundation nor medical utility. The simple man was convinced by my arguments and asked with a sarcastic voice and a bit of bitterness: "There is no religious foundation and still they continue to cut us?! But then, tell me, to whom should I request a compensation"? Facetiously, I answered: "Go to the sheiks who deceived the people". In all seriousness, no one can deny the harmful role sheik Al-Azhar Jad-al-Haq played when he issued his famous *fatwa* which reads:

If a region stops, of common agreement, to practice male and female circumcision, the chief of the state declares war against that region because circumcision is a part of the rituals of Islam and its specificities. This means that male and female circumcisions are obligatory¹.

This declaration made the headlines of all Egyptian newspapers² and, without any doubt, caused the misfortune of many girls.

The lawyer of the Malian family Traoré, condemned after the death of a daughter because of circumcision, said to the Court of Paris:

We are told that Africans who perform the excision on our territory violate the French laws. Hey well, why the colonial authority who reigned on Mali did not apply the French laws there? Because it didn't want to confront the weight of the custom³.

So the prosecution of a Malian family becomes the prosecution of colonial France. The largest accusation is the one uttered by Fran Hosken. She argues that France did nothing in its colonies against female circumcision, kept silent in the face of this practice on its territory, and didn't support movements opposed to it; moreover, its courts condemn only women, leaving men free. Only in one case (out of eighteen) has a French court condemned a man for a circumcision. As long as French authorities don't punish African men, the operations will continue in France and in Africa, making the French government and its judicial system responsible for the mutilations⁴.

Hosken also holds responsible international organizations, notably the UNICEF, the Catholic Church, and medical organizations⁵. She even considers all men responsible because they have in their hand the power to change the situation: "it is men who collectively and individually are responsible for continuing the practice of female genital mutilation"⁶. She believes the responsibility can be either by commission or omission; the results are the same. She adds that Western countries know that female circumcisions are performed on their territories, but don't do anything to fight against it. Furthermore, the money these

¹ Aldeeb: *Khitān*, vol. I, annex 6.

² See the *fatwa* in Aldeeb: *Khitān*, vol. I, annex 8.

³ *Le Monde*, 2.3.1984.

⁴ Hosken: *The Hosken report*, p. 301-302.

⁵ *Ibid.*, p. 339, 352-354.

⁶ *Ibid.*, p. 316.

countries give to Africa is actually used to perform this operation in African hospitals. By their silence, these countries carry the responsibility of this practice¹.

C) Ignorance of the law

Immigrants who circumcise their girls in France often invoke ignorance of the French law forbidding circumcision, despite the media blitz that comes with every suit. This argument is repeated also in Egypt. The barber filmed by CNN while performing female circumcision said when he was arrested he didn't know the operation was forbidden in Egypt. To avoid such an argument, Western countries try to inform immigrants who come to their territory of the law.

Some invoke ignorance not of the law, but of the fact that circumcisions have been performed on their own girls. Father will often say female circumcision is a woman's issue and that they do not mingle in it and are not informed about it.

3) Circumcision between revolution and evolution

Changing society can result from a revolution or a progressive evolution. Muslim law knows the rule of progressive evolution. For example, the interdiction of wine by the Koran occurred in three stages. In the beginning, the Koran stated it is "a great sin, and provides some benefits for the people" (2:219). Then, it prescribed: "Don't approach the prayer while intoxicated - wait to know what you say" (4:43). And in the last stage it forbade it definitely qualifying it as "abominations of the devil" (5:90-91).

Some have tried to apply this rule of progressive evolution to the struggle against female circumcision. They propose to start by reducing its risks by requiring circumcisions to be performed by a physician and by prescribing light forms of circumcision before forbidding it completely. Some also believe it's necessary to fight against female circumcision before addressing male circumcision.

In the beginning, the WHO started with refusing to intervene with the issue of female circumcision, considering it a cultural ritual. Then, in its 1976 report, its American expert Robert Cook limited the act to Pharaonic circumcision, considering the first type of female circumcision performed also in his country as beneficial. Some African intervening in the seminar of Khartoum in 1979 tried to legalize female circumcisions performed by physicians, but this proposition was rejected. The WHO insisted on this point in 1982, forbidding medical and paramedical personnel to perform this operation. The 1984 seminar of Dakar affirmed this interdiction, "estimating that the medicalization of the excision is only a camouflage that doesn't solve the problem". One also pointed out that "all surgical intervention that doesn't answer to any necessity and imply some risks for the patient is contrary to the medical ethics"².

At the UN seminar held in Ouagadougou in 1991, the question of the medicalization of female circumcision was raised. One reads in the report:

Some intervening parties declared that the medical personnel, essentially for pecuniary motives, have the tendency to substitute themselves more and more to matrons and circumcisers and to perform the excision in hospitals. Agents of health not only extricate profit of the practice of the excision, notably in cities, but they also perpetuate it by reducing its risks to the minimum since it is performed in medical milieus. It is true that they take measures of hygiene. But because of their cupidity, they deliberately ignore the sinister side of the sexual mutilations. Conscious of the confidence and considerations granted to them the population, they abuse innocent parents by showing that

¹ Ibid., p. 365-366.

² Rapport du séminaire sur les pratiques traditionnelles, Dakar, 1984, p. 135.

the custom is well-founded. Such an orientation, according to participants, should be severely fought because it risks giving a new legitimacy to the excision¹.

During the conference held in Holland in 1992, the WHO reiterated its opposition to the medicalization of female circumcision in all forms. Facing Somalian immigration in this country, there was a legal proposition to allow physicians to perform a light form of female circumcision. Under pressure from women's organizations, the Dutch government rejected this proposition². Commenting on discussions that took place at this conference, Hosken writes:

What a deplorable waste of time, energy and money! If the Health Ministry and all the other Dutch Ministries and organizations and people who spent countless hours and money on this affair would have put the same time, money and effort into teaching Somali refugees about reproductive health, they could have freed all the Somali refugees from their damaging misconceptions....

It is only fair to inform all male refugees when they are granted permission to stay in another country that they are responsible for following its laws and that they will be held responsible if their female children are mutilated: It is a criminal offense everywhere in the Western world to mutilate a child and if the men don't like it, they can always go back to where they came from³.

The joint WHO/UNICEF/UNFPA statement of 1997 on female genital mutilation reads: "The health consequences of the practice vary according to the procedure used. Nevertheless female genital mutilation is universally unacceptable because it is an infringement on the physical and psychosexual integrity of women and girls and is a form of violence against them"⁴. This statement adds: "Female genital mutilation comprises all procedures involving partial or total removal of the external female genitalia or other injury to female genital organs whether for cultural or other non-therapeutic reasons"⁵.

Hosken maintains that physicians sustain female circumcisions because they materially profit from the procedure. British physicians actually opposed the enactment of a law against female circumcision. One of them even argued for a Pharaonic operation made according to a method he invented⁶. She adds that the medicalization of female circumcision will help to save the lives of some girls, notably those of diplomats and rich families capable of paying for the operation, but it won't change anything for poor girls. The medicalization of female circumcision will only benefit physicians who will support and legitimize this practice⁷. On this point, Hosken says:

Before the introduction of clitoridectomy into modern medical practice is further discussed, male excision should be considered as an alternative ... A cost benefit analysis of male excision (penisectomy) versus female clitoridectomy will clearly show the advantages of penisectomy. No doubt that such a study will also raise the consciousness of men and should be presented to all politicians in Africa and the Middle East as well as to all physicians so keen to introduce FGM into hospital practice⁸.

¹ E/CN.4/sub.2/1991/48, 12.6.1991, par. 19 (our translation from the French version).

² Hosken: The Hosken report, p. 307.

³ Ibid., p. 308

⁴ Female genital mutilation, a joint WHO/UNICEF/UNFPA statement, p. 1.

⁵ Ibid., p. 3

⁶ Hosken: The Hosken report, p. 305, 361-362.

⁷ Ibid., p. 62-63.

⁸ Ibid., p. 47.

To summarize the different international and Western texts and positions of NGOs opposed to female circumcision, one can say their demands are the following:

- To forbid all forms of female circumcision that don't have any therapeutic reasons.
- To forbid medical and paramedical personnel from performing female circumcision and to punish it if it does it.
- To pursue parents who circumcise their daughters as an example for others.
- To impose a control on the travel of immigrants who risk circumcising their daughters in their countries. These immigrants should be prohibited from taking their daughters with them in their countries of origin.
- To bind the concession of the sojourn permit in Western countries to the condition of respect of the physical integrity of girls.
- To inform new immigrants at the time of their entrance that female circumcision is forbidden.
- To interrupt economic aid to countries that continue to perform female circumcision.
- To give political asylum or a humanitarian sojourn permit to women who fear circumcision for themselves or their girls in case of return in their countries.

In sum, Western and international legislatures adopt a firm position against female circumcision and refuse the progressive evolution of a social rule.

This debate also took place in countries that perform female circumcision. The Sudanese legislature adopted the rule of progressive evolution by forbidding Pharaonic circumcision and by permitting sunnah circumcision, which could be done by physicians and non-physicians. The Egyptian legislature adopted a similar attitude in its instructions of October 19, 1994, permitting light female circumcision in public hospitals. This position raised a general outcry in Egypt and in the West among opponents of this practice. As we saw before, the minister of Health retracted his instructions and forbade all forms of circumcision, including those done in hospitals.

An Egyptian female physician wrote a letter supporting female circumcision in hospitals to reduce the risks of this operation outside hospitals. She asked the Health Ministry to provide training to physicians to perform this operation in conformity with the norms of Islam. Answering this letter, Dr. Nawal Al-Saadawi said:

- 1) There is no authorized form of female circumcision in Islam. This operation doesn't have any link with Islam. This is proven by the fact that many Muslim and Arab countries don't perform this custom [...]
- 2) The Health Ministry should endeavour to sensitize physicians and the public to the danger of the circumcision and to promulgate a law forbidding it as crime against human rights. Is it an acceptable justification to perform female circumcision by the Ministry because it is performed outside of the Ministry? Is it a justification to enact a law permitting the sale of the drug inside the institutions of the Ministry because it is sold outside of the Ministry?
- 3) Instead of training physicians to perform this operation, why the Ministry does not train them to fight it¹?

¹ Al-Saadawi: *Hawla risalat al-tabibah al-shabbah*, p. 8.

Dr. Karim, proponent of the medicalization of female circumcision, mentioned in a symposium that the problem of female circumcision in Indonesia has been solved by substituting it with a small wound in the skin of the clitoris. Dr. Seham Abd-al-Salam objected:

To propose a small wound as performed in Indonesia is very dangerous because it has negative effects on the campaign for the sensitization of the public. Since female circumcision is not mentioned in any celestial religion, why then to propose it to the public by exercising a bargaining: sometimes the clitoris, another time the foreskin of the clitoris, and now the wounding of the clitoris? On the contrary, it is necessary to affirm that it is a mistake, and to inform the public that it is a mistake, and to continue inculcating the correct attitude instead of accepting continually erroneous positions¹.

Facing this strict attitude, others prefer the rule of progressive evolution. Dr. Al-Fanjari writes:

It is necessary to promulgate a law by stages, permitting the practice of the circumcision in the first place solely by physicians and officially, provided that physicians sensitize the public before the operation. Then, a strict and final law is promulgated if there is a necessity when the custom has died and is buried. The law will have then for goal to prevent impostors who benefit materially from this custom to return back to it².

Al-Fanjari mentions Adil Lutfi, Professor of Paediatric Surgery and member of the commission that established Decree 74 of 1959. Lutfi writes:

During my forty years of paediatric surgeon, I never had a repugnant feeling as that when in the beginning of my profession a girl's mother threatened me that she will go to a barber if I didn't circumcise her. I had mercy then for the girl and I operated her by cutting only her prepuce precisely as we do in male circumcision by cutting the foreskin, without touching the clitoris. I did it to give to the mother the psychic tranquillity and to save the girl from the risks of an operation performed by an ignorant³.

Professor Gallo, although opposed to female circumcision, believes it won't be easy to abolish this practice totally in Somalia because it is well-rooted in culture. This custom must pass through a natural evolution starting with an enlightening operation. It is impossible today to go to camps of shepherds and ask them to abandon Pharaonic circumcision. Such a request would be contrary to their concept of life. It is, however, possible to transform Pharaonic circumcision into sunnah circumcision with the passage from pastoral life to sedentary life. The evolution should be done progressively and could take several centuries. It could and should be accompanied with a change in the social system and woman's stature in society⁴.

Gallo mentions that some Somalian refugee camps have been put under Italian control. Pharaonic circumcision in these camps was performed by local nurses using modern medical means brought from the West, such as disinfectant, anaesthesia, needles, and thread. During a visit to a camp, an Italian physician witnessed a circumcision being performed according to traditional methods, using thorns to suture the skin and obstruct the vagina. The Italian physician proposed to continue the operation with a sterilized needle and thread. When information reached the Somalian capital, his colleagues reproached him and said he should not have intervened. The physician defended himself saying that he didn't have the choice⁵.

¹ Nadwat khitan al-inath, p. 45-46.

² Al-Fanjari, p. 55-56.

³ Al-Fanjari, p. 61.

⁴ Gallo: La circoncisione femminile in Somalia, p. 155.

⁵ Ibid., p. 180-181.

In Djibouti, where Pharaonic circumcision is performed, female organizations, physicians, and religious chiefs plead for the practice of sunnah circumcision. The Newsletter of the Inter-African committee annotated this fact as follows:

With regard to female circumcision, if the best way seems to be to proceed step by step, this method has to be linked to continuous information on the harmful, degrading consequences for women and children of all forms of the operation, even sunnah. Muslim religious leaders all over Africa must pursue the same aim, informing the illiterate population, women and men, that female circumcision is not a religious obligation, that female circumcision is not prescribed in the Koran, that female circumcision has no beneficial effects whatsoever¹.

Lightfoot-Klein reports that she told Sudanese women of her uncle's story. The surgeon told her uncle, a doctor, that unless they amputated his entire arm at the shoulder, he might not live. The uncle answered that he did not want to live if he could not continue to practice his chosen profession. When they wheeled him into the operating room, he insisted they give him no more than a local aesthetic to make certain they left him the stump. He recovered and continued to practice medicine. When she finished this story, she said to the Sudanese women: "Cut away as little as you possibly are able to do. Leave her a stump. Leave her an opening, so that she will suffer less. Perhaps, if you leave her something to work with, she can do a little less for her own daughter, and that one in turn may do yet less for her daughter, and perhaps in time, there will be no cutting at all".

Lightfoot-Klein relays that when she travelled in Africa, she took medicaments as gifts but she steadfastly refused to carry razor blades and kept her nail scissors extremely well-hidden. She invokes the case of a missionary who tried to abolish female circumcision, but he failed. He decided then to supply the midwives with clean razor blades to substitute for their dirt-encrusted, rusty knives, if only to save a few of the little girls' lives².

Mr Sidi Tidiane Gueye, president of an African association in France, writes:

Of course, we cannot ask the government not to apply the law to us. But it would be necessary to allow people who absolutely want to circumcise their girls, to make it in medical milieu. We ask for the liberty of choice: it is that the right to difference³.

Arguments in favour of the temporarily medicalization of female circumcision while waiting for its final abolition are meaningful. But some object saying that the physician is not necessarily more qualified than the traditional female circumciser in this domain. Girls also die following circumcisions performed by physicians. On the other hand, the transfer of this practice to hospitals removes its positive social aspect and keeps its mutilating barbaric aspect⁴. One would be tempted to say that if it were necessary to permit female circumcision but reduce its risks, it would be preferable to provide to the traditional female circumciser a formation and adequate medicines. We should emphasize here that the medicalization of male circumcision in the United States didn't lead to its abolition; on the contrary, it led to its expansion.

The debate around the norm of progressive evolution also occurs within circles of those opposing male circumcision. Some Jews believe it will be necessary to revert to the original form of circumcision, which consisted in cutting a small tip of the foreskin. Others propose to limit it to drawing a drop of blood instead of cutting the skin, because blood is the primordial element in Jewish circumcision. Others propose to maintain the ceremony of

¹ Newsletter of the Inter-African committee, no 4, August 1987, p. 9.

² Lightfoot-Klein: *Prisoners*, p. 218-220.

³ Quoted by Saurel, p. 169.

⁴ González de Lara, p. 38-39.

the circumcision, but to cut a carrot instead of a child's penis - this protects the social positive aspects of circumcision and eliminates the negative aspects. Others think that it would be necessary to resort to anaesthesia to reduce pain, but they fear perpetuating the operation by removing its critical aspect¹.

Let's note here that if opponents of the medicalization of female circumcision fear that such a medicalization legitimizes this practice, rabbis oppose the practice of male circumcision in hospitals because they fear it is one step in the path toward its abolition. By performing circumcisions in the hospital, the circumcision loses its religious character and becomes a pure medical operation. And if the latter does not have a therapeutic reason, it will finish by disappearing. This is also the reason many oppose the intervention of the state in requiring competent people to perform ritual circumcisions.

4) Is law necessary?

Rabbi Moshe Rothenberg, an opponent of male circumcision who left his child intact, says:

The solution to ending circumcision in Jewish and other cultures does not lie through imposition, legal or otherwise, even though child abuse is what is in question. Love, education, helping to make the world safe for Jews on a variety of fronts, and a general increased awareness of the needs of the newborn will advance the goals that we are all trying to achieve. Become friends to Jews and other minorities. Only through deep caring will this issue resolve itself; toward the perpetrators, caring parents, as well as our beloved community of children².

In the face of Jewish opposition to the enactment of laws forbidding male circumcision, one African refuses the enactment of laws forbidding female circumcision. Dr. Thomas Kargbo says he doesn't think that a political approach or a legislative text has much of a change in abolishing the practice of female circumcision in his country, Sierra Leone. According to him, "a mutual confidence between the hierarchy of the society and the health personnel is the first thing to institute". He adds that because of a few contacts with chiefs of women's secret societies and women who perform the excision,

we were able little by little to convince some among them not to proceed to the ablation of the clitoris. Today, they only remove the clitoral hood [...]. If we manage to persuade all women who perform the excision to only excise the hood of the clitoris, a big step has been made toward the complete abolition of the practice³.

Nahid Toubia is also reticent concerning the enactment of laws. She writes:

Group attempting to legislate against circumcision should think twice before prioritizing a legal approach to community outreach. While laws are very important in affirming social policy, laws alone will not ensure social change. While a publicly-backed legal change or a decisive court case may become an important tool for social change, a poorly-timed punitive law or legal case may create social animosity and lead to endless cycles of legal battles⁴.

Some fear that the legal interdiction of female circumcision would push people to perform circumcisions in clandestineness, with all associated risks. We know that when the British authorities forbade Pharaonic circumcision in Sudan, families hurried to circumcise their young daughters before the law entered into effect. Even after the law entered into force

¹ Cutting edge, p. 3.

² Rothenberg: Ending circumcision

³ Kargbo, p. 116-117.

⁴ Toubia: Evolutionary cultural ethics, p. 6

and the first midwife was arrested, families continued to circumcise their girls in the clandestineness and were fearful of seeking a physician's assistance in cases of complications¹.

One also fears that the law will be applied only against the poor, the rich being always capable of diverting it. As Saurel writes, "African elite representatives, if they would like to perform the excision with or without infibulation on their small daughters, have the possibility to do it, either in France or by passing a border. It is only a problem of money, assorted of the discretion. It is different with the immigrant workers of modest and sometimes miserable condition, Muslim for the most"².

Thus, one wonders whether it's best to proceed with educating people rather than battling an inefficient law. This debate is old. Cicero's (d. 43 B.C.) opinion is that the enactment of laws can influence society more effectively than philosophy and speeches. He writes:

Citizen, who through his formal authority and the punishment established by law compels everyone to do what philosophers through their teaching can persuade only a few people to do, is to be preferred even to the teachers who make these arguments³.

Those in favour of the enactment of a law against female circumcision believe the law is useful even though it is not applicable. Dr. Seham Abd-al-Salam writes:

Certainly, the law won't solve the problem and it is necessary to sensitize people. But there are a lot of laws that people don't respect, as the one forbidding the drug. However, such laws exist because the society has the right to have them. Certainly the law won't solve the problem, but it will be an auxiliary factor for those who try to solve this problem⁴.

Lightfoot-Klein estimates that laws forbidding female circumcision, even if African governments charter them, cannot be enforced if the entire population ignores them and there is no one to implement them. Nevertheless, it must be realized that such a law is not without some potential for bringing about change where the desire to abandon the practice already exists. It can certainly be invoked successfully in instances when a girl's parents do not wish to circumcise her but are bitterly opposed by members of older generations in their decision. Invoking the law and threatening all members of the family with jail should the girl be circumcised against the parents' wishes may be a drastic measure, but it has already been effective in a number of cases⁵.

While the existence of a law can be inefficient in the beginning, it can produce a positive effect for the future. Sanderson signals with regard to Kenya:

Where there had been the strongest policy adopted against excision by the Scottish missionaries since the twenties, there was less excision in the seventies. The Catholic Church had followed a relatively laissez-faire policy and more Catholic were circumcised in 1972 than girls of Protestant denominations. Where the African Inland Mission had campaigned rigorously there were very few girls suffering excision in the seventies⁶.

The psychologist Alice Miller opts for the enactment of laws against male and female circumcision for psychological reasons. The law serves to sensitize people and to protect them against themselves, she says. A law that forbids parents from circumcising their children

¹ Giorgis: Female circumcision in Africa, p. 39-40. See also Assaad: Female circumcision, p. 40.

² Saurel, p. 154-155.

³ Cicero: On the commonwealth, Book I, 2, (p. 3).

⁴ Nadwat khitan al-inath, p. 46.

⁵ Lightfoot-Klein: Prisoners, p. 44.

⁶ Sanderson, p. 68

leads them to discover the abuse of which they were victims themselves. This discovery is necessary to end their incorrect behaviour toward their own children. The goal is not to punish parents, but to permit them to discover themselves, Miller contends. Miller mentions Scandinavian countries that have entrenched in their laws a doctor's obligation to report child abuse, and thanks to this legislation, the population has come to realize that the rights of children are not to be ignored. Moreover, some parents react better to the truth than to soothing words, and they can certainly benefit from correct information. Every human being caught in a trap will search for a way out. And at heart he is undoubtedly glad and grateful if he is shown a way out that does not lead to guilt or to the destruction of his own children¹.

There is still another outstanding question: is it necessary to adopt a specific law against circumcision, or should we be satisfied with the general prescriptions of the penal code and those of the law governing the medical profession?

Opponents of male and female circumcision say that the penal code of all countries of the world punishes the reach to physical integrity and modesty, except if there is a medical reason. Male and female circumcisions are reaches to physical integrity rarely performed for medical reasons. Therefore, they undoubtedly fall under most countries' penal laws. In the same way, the law forbids the exercise of the medical profession by non-physicians and foresees sanctions against contravening persons. The one who, not being a physician, circumcises a boy or a girl should be punished according to the law. It is also possible to resort to laws concerning child abuse and mistreatment.

For these opponents, it is sufficient to apply correctly and strictly existing legal norms that sanction the violation of physical integrity. They estimate that the adoption of a specific law against male and female circumcision requires a lot of mobilization. Regarding male circumcision, it is unlikely that a legislator dares to adopt a law that forbids or punishes it. The dismissal of a legal proposition could have a contrary effect: it would mean that circumcision is licit. But even though existing legal norms may be satisfactory, it won't be easy to accept an interpretation that would include circumcision, notably male circumcision².

The difficulty in applying the existing general norms to male and/or female circumcision has pushed opponents to ask for specific laws. Such is the present position of the UN and WHO concerning female circumcision³. We note here that circumcision is a deep-rooted custom in some societies and people consider it as licit, or even obligatory. To be able to change mentalities and to make people understand that what they considered until now as licit is henceforth illicit, it would be necessary to promulgate an explicit law against this practice to attract their attention.

One German lawyer believes the application to female circumcision of penal norms concerning the physical integrity would require a judge to interpret the law to ascertain whether amputated organs are important organs or not. Such an interpretation depends on the severity of the sanction. For this reason, she prefers the adoption of a law that doesn't leave this choice to a judge. She believes, however, that it would be easier to add a requirement to an existing provision of the penal code, rather than adopt an independent law against female circumcision⁴.

¹ Miller, p. 196-198.

² Brigman: Circumcision as child abuse, p. 337-357; Van Howe (et al.): Involuntary circumcision: the legal issues, p. 69.

³ Toubia; Izett: Female genital mutilation: an overview, p. 56.

⁴ Kalthegeener: Recht auf körperliche Unversehrtheit, p. 209 and 210

Of course, laws can very well originate from the state, a community, or a village. One Egyptian village, Deir Al-Barsha, succeeded in ending the practice of female circumcision thanks to an initiative of its own inhabitants. In this village, a document was signed by barbers and midwives who agreed not to circumcise anymore. The signing of the document took place in a meeting of members of the committee of the women and committee villager, including the religious leaders. This document reads:

On Friday of December 6, 1991, the sub-committee of the Dei El-Barsha local committee met in the Coptic Evangelical Church guesthouse and the following members were present:

Mr Rahbam Ma'zouz Malak

Mr Abdou Qalta Herzallah

Mrs Louisa Labib

Mrs Neema Matta

Sister Sa'ada Abd-al-Sayed

Having elucidated the harmful and pernicious effects of female circumcision, all the undersigned decide to refrain from performing this practice, and to strive to enlighten people (of the village) to follow suit. All individuals present here asserted that whoever engages in this practice from this day onwards would be questioned before God, the village committee and state law.

This is an attestation of this effect.

These five people signed the document, together with the committee of the village and the priest of the village¹.

5) Applicable law or law-scarecrow?

It is not sufficient to merely promulgate a law. The law must also be applied, subject to the imposition of sanctions if it's not respected - unless the law's goal is simply to frighten the public like a scarecrow, a kind of suspended Damocles' sword above their head.

There is a debate on this level. Some opponents wish that courts would apply the law and punish those who violate it. So the Chadian filmmaker Zara Yacoub supports the trials against Africans in France because they allow the Africans living in Africa to know that female circumcision doesn't apply outside of this continent and that it is not a custom everywhere. She calls for a similar policy in other countries, such as Germany².

One German lawyer believes the law must include an adequate sanction so that it has a social effect. One can start in this respect with a light sanction, which can be increased if it proves to be particularly inefficient. But the sanction in itself can have a negative effect on the child who faces the risk of finding himself separated from his father and his mother if they are thrown in jail. Thus, it's necessary to weigh the negative and positive effects before making a final decision. In any case, the sanction must correspond to the gravity of the offense. In any event, female circumcision should, at a minimum, not be punished less severely than sexual abuse. Otherwise, the sanction would not have an effect³.

One American lawyer argues that it's absolutely necessary for the struggle against male circumcision in the United States for issues involving male circumcision to be addressed by the judicial system. A successful lawsuit results in an increased awareness by insurer and its employees of the risks of circumcision and the lack of necessity for it, he contends. If

¹ Abd-al-Hadi: We are decided, appendix III.

² Kalthegener; Ruby: Zara Yacoub, p. 86; see Wesch, p. 95.

³ Kalthegener: Recht auf körperliche Unversehrtheit, p. 211.

enough successful suits are brought against circumcision, the insurance industry will put pressure on doctors and hospitals alike to stop engaging in such a costly procedure. Suits will also bring awareness to the general public through media coverage of the trials. This lawyer insists that these cases must be presented clearly and with emotion while, at the same time, trying not to alienate those who are deciding the facts. Circumcision is an extremely emotional issue. The emotional ties that many Americans have to circumcision can be irrational and are generally strong. These emotions, however, can be overcome in a trial involving a wrongful circumcision case. By pleading causes of action that everyone can agree with, by not attacking all circumcisions, and by educating the jury with both facts and emotion, the skilful trial lawyer can obtain favourable results¹.

The president of the Inter-African committee adopts an opposite position. In a letter to the French Ministry of Health, she expressed alarm and concern about the conviction of a Gambian mother in 1993, who was condemned to five years' imprisonment, for having practiced circumcision on her daughters. The president launched an appeal to handle the case with compassion so that it will benefit immigrants who come from countries where genital mutilation is practiced. She adds: "Their children need protection instead of double punishment of first being mutilated and then separated from their mother... This kind of situation will come up again and again unless a policy is adopted to inform all immigrants that this practice is intolerable and illegal, and also why"².

A similar attitude has been expressed by the special rapporteur of the UN Human rights commission on violence against women, Mrs Radhika Coomaraswamy, as well as by the rapporteur on the traditional practices affecting the health of women and little girls of the human rights subcommittee, Mrs Halimah Al-Warzazi, following the sentencing to eight years of jail by the Court of Paris February 19, 1999, of a Malian recognized guilty for having circumcised 48 little girls. According to these two rapporteurs, "the punishment and the condemnation founded on a judgment of value can be sometimes counterproductive and encourage some populations to close on themselves and to cling to these harmful practices [...]. The judicial condemnation of such practice should intervene only in ultimate recourse when education, information and alternative rituals not carrying reach to the integrity of women and little girls have no success"³.

Contrary to the opinion of the two UN rapporteurs, the French lawyer Linda Weil-Curiel says:

This case, very mediatized, is a landmark in the judicial history of the excision in France because no one will be able to forget the moving testimony of victims, their pain, and their anger for having been delivered to the torture by their own parents, their shame of their mutilation and also their distress for not having been protected by the society.

Europe, and the Western world in general, where the immigrant population is welcomed, see emerging the practice of the excision: one should not let it take root.

The public authorities should not hesitate to pursue judicially infringements to the physical integrity to protect the minors and their full integration within the national communities⁴.

¹ Llewellyn, p. 478-481.

² Newsletter of the Inter-African committee, no 14, July 1993, p. 6.

³ AFP, Geneva 19 February 2000.

⁴ Weil-Curiel: *Le combat contre les mutilations sexuelles*, p. 7. See also the preface of my book Aldeeb Abu-Sahlieh: *Circoncision masculine, circoncision féminine*.

The German Minister of Development and Cooperation, Heidemarie Wieczorek-Zeul, also expressed her satisfaction after this judgment which constitutes, in her eyes, a "historic boundary-mark for the fundamental right to physical integrity". She indicated that she would launch a campaign against excision, in common with the NGOs of Western-Africa. She considered that "to proscribe the excision, we need to exercise all the strength of the law on the one hand and, on the other, to actively sustain the work of explanation done in the concerned regions". The minister regretted the use of the neutral concept of excision, which involves a "mutilation of genital organs, with the worse physical and moral consequences"¹.

Some Western States have threatened to resort to economic sanctions against states that don't fight against female circumcision. This position is defended with force by Hosken who says that as taxpayers, we have the right to require that money we pay protect the health of girls and women². As mentioned previously, lawyer Charles A. Bonner, a member of the American association *Attorneys for the rights of the child* proposes that the UN adopt a resolution that would impose sanctions, including embargos³ on states that don't protect children against the mutilation of their genitalia. Tangwa, a Cameroonian researcher opposed to male and female circumcision, disagrees with the imposition of economic sanctions:

It is particularly important that the fight against such practices as circumcision in Africa should not be propelled by Western threats of economic sanctions and withholding of development aid or even by incentives. That would have the consequence of turning a moral crusade into the type of power game that the Western world has played against Africa since colonization⁴.

6) Law as part of general plan

A sanction in itself is not sufficient to modify a social behaviour banished by the law. It's inequitable for people to get to choose between a sanction and the abandonment of this behaviour without an explanation and justification of the law. It is necessary that the concerned people be informed about the reasons for which their behaviour is illicit and how they will profit by changing this behaviour. The Koran says in this respect: "We never annihilate any community without sending warners. So that they may be admonished; and We are not unjust" (26:208-209).

On the other hand, circumcision is a very complex domain. Therefore, it cannot be suppressed by a too simple means as the law. This one must be a part of a whole. For this reason, numerous organizations have established very detailed action plans to fight against female circumcision, plans that can also apply against male circumcision. We provide here propositions advanced by the General assembly of the UN in its resolution dated February 7, 2000, concerning the traditional practices affecting the health of women and girls⁵. This resolution calls upon all states:

- a) To ratify or accede to, if they have not yet done so, the relevant human rights treaties, in particular the Convention on the elimination of all forms of discrimination against women and the Convention on the rights of the child, and to respect and implement fully their obligations under any such treaties to which they are parties;

¹ AFP, Bonn, 18.2.2000.

² Hosken: The Hosken report, p. 412-413.

³ Bonner: The Oxford Declaration.

⁴ Tangwa, p. 191.

⁵ A/RES/54/133.

- b) To implement their international commitments in this field, *inter alia*, under the Beijing Declaration and the Platform for Action of the Fourth World conference on women, the Program of action of the international conference on population and development and the Vienna Declaration and Program of Action adopted by the World Conference on Human Rights;
- c) To collect and disseminate basic data about the occurrence of traditional or customary practices affecting the health of women and girls, including female genital mutilation;
- d) To develop, adopt and implement national legislation and policies that prohibit traditional or customary practices affecting the health of women and girls, including female genital mutilation, and to prosecute the perpetrators of such practices;
- e) To establish or strengthen support services to respond to the needs of victims by, *inter alia*, developing comprehensive and accessible sexual and reproductive health services and providing training to health-care providers at all levels on the harmful health consequences of such practices;
- f) To establish, if they have not done so, a concrete national mechanism for the implementation and monitoring of relevant legislation, law enforcement and national policies;
- g) To intensify efforts to raise awareness of and to mobilize international and national public opinion concerning the harmful effects of traditional or customary practices affecting the health of women and girls, including female genital mutilation, in particular through education, the dissemination of information, training, the media, the arts and local community meetings, in order to achieve the total elimination of these practices;
- h) To promote the inclusion of the discussion of the empowerment of women and their human rights in primary and secondary education curricula and to address specifically traditional or customary practices affecting the health of women and girls in such curricula and in the training of health personnel;
- i) To promote men's understanding of their roles and responsibilities with regard to promoting the elimination of harmful practices, such as female genital mutilation;
- j) To involve, among others, public opinion leaders, educators, religious leaders, chiefs, traditional leaders, medical practitioners, women's health and family planning organizations, the arts and the media in publicity campaigns with a view to promoting a collective and individual awareness of the human rights of women and girls and of how harmful traditional or customary practices violate those rights;
- k) To continue to take specific measures to increase the capacity of communities, including immigrant and refugee communities, in which female genital mutilation is practiced, to engage in activities aimed at preventing and eliminating such practices;
- l) To explore, through consultations with communities and religious and cultural groups and their leaders, alternatives to harmful traditional or customary practices, in particular where those practices form part of a ritual ceremony or rite of passage;
- m) To cooperate closely with the Special Rapporteur of the Subcommission on the Promotion and Protection of Human Rights on traditional practices affecting the health of women and the girl child and to respond to her inquiries;
- n) To cooperate closely with relevant specialized agencies and United Nations funds and programs, as well as with relevant non-governmental and community organiza-

tions, in a joint effort to eradicate traditional or customary practices affecting the health of women and girls;

- o) To include in their reports to the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other relevant treaty bodies specific information on measures taken to eliminate traditional or customary practices affecting the health of women and girls, including female genital mutilation, and to prosecute the perpetrators of such practices.

Chapter 8.

Circumcision and political asylum

If we want to protect women from female circumcision, which is qualified as torture, inhuman, and cruel treatment by international and Western documents, it would be necessary for Western countries to open their borders to women fearing subjection to themselves or their girls to this operation, by granting them political asylum or possibly a humanitarian sojourn permit. In fact, these countries are not disposed to act in this direction. For example, Germany currently has asylum requests from women coming from Egypt, Guinea, the Ivory Coast, Nigeria, Somalia, Sudan, and Togo. All these request have been rejected, except in one case¹.

In the United States, only two women obtained the political asylum on the basis of the fear of sexual mutilation. If Western States would grant political asylum because of female circumcision, they should also do the same for male circumcision on the basis of the principles of non-discrimination. There is a German precedent in this regard, which we will come back to later. In any event, fewer political asylum requests are being made for this reason and very probably such requests will be more difficult to defend.

1) International texts and official positions

Western and international legislature has defined female circumcision as torture and inhuman and cruel treatment. Opponents of male circumcision use these terms to also qualify male circumcision. In either case, parents certainly didn't intend, at least consciously, to infringe upon their children's right to physical integrity and probably considered their gesture as an act of love.

The international legislator doesn't limit himself to condemning the torture in the Convention against torture. The article 4 of this convention reads:

- 1) Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
- 2) Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Paragraph 1 of article 3 of this convention adds:

No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture

On the other hand, article 1 of the Convention relating to the status of refugees bestows the right to be considered a refugee to any person who:

¹ Lünsmann, p. 219.

As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it..

Paragraph 1 of the article 33 of this convention adds:

No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

This article concerned events occurring before January 1st, 1951. The Protocol relating to the status of refugees, entered into force October 4, 1967, spread the application of this convention to "all refugees covered by the definition in the convention irrespective of the dateline 1 January 1951".

On the basis of these two texts, opponents of female circumcision argue it's necessary to give political asylum to women who fear to be submitted, either themselves or their daughters, to circumcision (and therefore tortured) if they were returned to their respective countries; at the very minimum, they ask that these women not be expelled. This point of view has been defended by different international and no-governmental organizations, including the HCR and International Amnesty. The HCR is in favour of granting political asylum for reason of fear of sexual mutilation, because it has condemned this practice as violence against women. It affirmed its position in a letter addressed to the British refugee legal centers dated July 8, 1994:

Female genital mutilation, which causes severe pain as well as permanent physical harm, amounts to a violation of human rights, including the rights of the child, and can be regarded as persecution. The toleration of these acts by the authorities, or the unwillingness of the authorities to provide protection against them, amounts to official acquiescence. Therefore a woman can be considered a refugee if she or her daughter/daughters fear being compelled to undergo FGM against their will; or, she fears persecution for refusing to undergo or allow her daughters to undergo the practice¹.

The HCR confirmed this position in the symposium on gender-based persecution in Geneva February 22-23, 1996. The HCR invited to this symposium the Center of Human Rights and representatives of 16 Western countries in favour of women's rights and opposed to female circumcision: Australia, Austria, Belgium, Britain, Canada, Denmark, France, Germany, Holland, Ireland, Italy, New Zealand, Norway, Sweden, Switzerland, and the United States.

The UNHCR's position has also been defended by *Amnesty international*. The international Council of this organization adopted a declaration titled *Government Inaction* in which it decided to include female circumcision in its struggle. One point of this declaration says:

The international council [...] instructs the IEC, in order to bring Amnesty International's refugee guidelines into conformity with the UNHCR's position on FGM as a ground for refugee status, to examine the question of taking up cases where a woman or her daughters fear undergoing forced FGM if returned to their country².

¹ Crawley, Heaven: Women as Asylum Seekers in: A Legal Handbook, Immigration law practitioners' association and refugee action, London, 1997, p. 71.

² www.fgmnetwork.org/eradication/state/ai.html

Amnesty international confirmed this position in Decisions 5 and 6 of 1997 and said that it will oppose the refoulement of persons to countries where they would be at risk of abuses. It reiterated its position in a report dedicated to female genital mutilations published in 1997¹.

Despite the position of these two organizations, Western countries are reticent to grant political asylum based on fear of female genital mutilation. This reticence is motivated juridically by the restricted interpretation these countries give to the bases for granting political asylum as provided by article 1 of the Convention relating to the status of refugees. This article provides for political asylum to any person fearing to be persecuted "for reasons of race, religion, nationality, membership of a particular social group or political opinion".

Two questions need to be answered here: can we consider female circumcision as a persecution according to the convention? If the answer is yes, can we consider women fearing female circumcision for themselves or for their daughters a social group?

2) Circumcision as persecution

To date, there is no universally accepted definition of persecution. It is generally acknowledged that the drafters of the Convention relating to the status of refugees intentionally left the meaning of persecution undefined because they realized the impossibility of enumerating in advance all forms of maltreatment that might legitimately entitle persons to benefit from the protection of a foreign state².

Article 33 of the convention gives us a hint at the answer by specifying that a person cannot be returned back to a country where "his life or freedom would be threatened". Other violations of human rights can constitute persecution. Hathaway defines persecution as: "the sustained or systematic violation of basic human rights demonstrative of a failure of state protection"³.

The Guidelines drafted with reference to gender-related asylum claims do provide an interpretation of "persecution" in the context of human rights standards. The U.S. Guidelines state that, in assessing whether a harm is serious enough to be regarded as persecution, adjudicators should examine how the term has been understood under relevant international and domestic laws. "In addition, though discriminatory practices and experiences are not generally regarded by themselves as persecution, they can accumulate over time or increase in intensity so that they may rise to the level of persecution"⁴. The Australian guidelines similarly specify that "Australian case law has referred to internationally agreed standards of human rights in recognizing persecution. Whilst there are areas of uncertainty, it can generally be stated that the more fundamental the right threatened, the more likely that the breach of that right amounts to persecution"⁵.

There is no doubt that sexual mutilations constitute a serious violation of human rights. However, even a serious offense such as voluntary homicide doesn't constitute in itself a persecution according to the convention. Therefore, it doesn't give right to political asylum. To be considered persecution, it is necessary that the act violating the human rights be done by legitimate authorities of the country the person would be returned back to. Therefore, sexual mutilations cannot be considered a persecution because they are perpetrated not by the authorities but by the family, unless these authorities impose this practice. This was the

¹ Text in www.amnesty.org/ailib/intcam/femgen/fgm6.htm.

² Hathaway, p. 102.

³ Hathaway, p. 105.

⁴ U.S. guidelines, 8-9.

⁵ Australian Guidelines, para. 4-5.

reason why *Amnesty international* had previously refused to fight against the sexual mutilations.

However, the concept of persecution has been widened to make the state responsible not only for its direct acts or the acts of its agents, but also for acts committed by nonconformist groups, or even by the family if the state doesn't intervene to protect victims. The state is responsible by commission and by omission. It has the duty to assure the protection of the rights of its citizens.

The expansion of the definition of persecution is noted in the obligation of the state to take the necessary measures to fight violence against women, including sexual mutilations. Certainly, it won't be possible to blame a state if someone kills his neighbour, but the state must attempt to end widespread practices society considers traditions governed by social customary norms. These practices can be qualified institutional. If the state declines to watch over the change of these customary norms, or refuses to protect victims of these practices, it is considered responsible¹. Thus, institutional sexual mutilations can be regarded as persecution.

In her preface to the works of the aforesaid symposium, the chairwoman of the HCR writes:

A woman who transgresses certain social mores may be subjected to discrimination so severe that it amounts to persecution. States may be unable or unwilling to protect women (or girl children) from being subjected to female genital mutilation, a procedure which constitutes a fundamental violation of their rights as human beings...

Much work remains to be done to enhance the human rights of women. Greater emphasis must be placed on the responsibility of states to halt practices amounting to persecution. At the same time we have to ensure that women, like men, can exercise their right to seek asylum. The difficulties in perception must be clarified through further, legislative references to gender-based forms of persecution, which will in turn strengthen the protection afforded by the 1961 convention².

We should note here that proponents of this position don't distinguish between the different forms of female circumcision. All these forms, the lightest and the most severe, should, according to them, yield the right to seek political asylum.

It should be noted that women who have already been circumcised cannot avail themselves of this right. One woman's request for asylum in Germany was rejected because she had been partially circumcised already³. This right only concerns those who fear undergoing circumcision for the first or second time, or those who fear that their daughters will undergo it. Finally, it should be noted that women who fear female circumcision and seek political asylum must also prove they don't have the possibility to escape this practice inside their own country, by changing domicile or region. This is what is called internal asylum⁴.

3) Women as social group

Even if we conclude that asexual mutilation is a human rights violation attributable to the state and, therefore, is a persecution according to the convention, we still must ascertain whether women form a "social group" under the convention. Indeed, to successfully obtain political asylum, a person needs to prove he is "persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion".

¹ Bissland; Lawand: p. 18-19, 29.

² Ogata: Foreword, p. 1.

³ Lünsmann, p. 219.

⁴ Australian guidelines, para. 4.21.

The HCR has called for a broad interpretation of the convention to include gender-based persecution. Many women leave their countries for gender-related reasons such as rape, sexual torture, sexual mutilation, sexual discrimination, abortion, and forced sterilization. When the convention was written, it adopted reasons for which men escaped their countries, i.e. race, religion, and other ones. These reasons differ from those for which women currently escape their countries, which is perhaps why the convention doesn't mention gender as a persecution reason. Therefore it is necessary to abandon the male concept of political asylum¹. Based on this reasoning, the HCR asks to grant political asylum to women persecuted because of gender and to consider them as a particular social group².

The great majority of Western countries reject this extensive interpretation of the convention. Some countries say that the criterion of the adherence to a certain social group in itself is not sufficient and must be accompanied with another criterion. Rape, for example, doesn't give woman a right to political asylum, unless the rape is due to persecution against a racial, religious, or political group as was the case in the Balkan conflict. This logic also applies to female circumcision. It's rare, however, for a woman to be a victim of this practice for reason of her adherence to one of the aforesaid groups. So, in France, the Refugees' Commission admitted that the submission of Malian woman by force to female circumcision in itself is a persecution, but she doesn't have the right to political asylum³.

Some Western country representatives have refused to classify women in the category of *particular social group* because the law relating to political asylum is gender-neutral and doesn't distinguish between men and women⁴. The argument of the equality between men and women, opponents say, is based on the idea that the two have the same life and must have the same rights, but it doesn't correspond to reality. For this reason, the neutral interpretation of the convention is harmful to women⁵.

In rare cases when women threatened of sexual mutilation received political asylum, the problem was solved by considering them as part of the *group of women opposed to female circumcision*. We give here a summary of these cases.

The first case concerns Fauziya Kasinga, original of Togo. Her father had protected her from circumcision. After his death in 1993, her mother went to her parents in Benin, leaving her daughter in Togo at the father's parents. The parents arranged for the granddaughter's marriage at age 17 to a 45 year-old man who already had three wives. Before consummating the marriage, the husband and the paternal aunt of Fauziya decided to circumcise her. She ran away to Ghana with the help of her older sister. From there, she left for Germany where she bought a British passport of the sister of a Nigerian. From there, she went to the United States where she sought political asylum on December 17, 1994, instead of staying clandestinely. She was then incarcerated until April 1996, waiting for the decision concerning her demand. She informed the authorities that if she were returned back to her country or to Ghana, the police would arrest her and send her to her husband who would circumcise her; thus, she argued, the state would not protect her. She explained that she didn't request asylum in Germany because she didn't understand German and didn't have any relationship to this country.

After a first dismissal of her demand, the authority of appeal ruled that female circumcision was persecution, adding that to get political asylum, it was necessary that the persecution

¹ Gender-related persecution, p. 81.

² McNamara, p. 5-6.

³ Commission des recours des réfugiés (CRR), 18.09.91, Aminata Diop.

⁴ See Wille: Norway, UNHCR Symposium, p. 64-65.

⁵ Connors: Legal aspects of women as a particular social group, p. 118.

be for one of the five reasons mentioned in the convention. The authority in question classified the plaintiff in the category of a particular social group, the one of uncircumcised girls who refuse to be circumcised. It added that the state is not required to bestow political asylum but has a power of appreciating the data furnished by the plaintiff. Because the plaintiff didn't try to live clandestinely in the United States and requested asylum upon her arrival in the United States, and because the persecution to which she would be exposed was very serious, the authority decided to bestow political asylum upon her¹.

Three years after this first case, in July 1999, the United States bestowed political asylum to Adelaide Abankwah, a 27-years-old woman originally from Ghana, who spent nearly three years in detention before the American authorities decided her case.

Abankwah belongs to the Tribe Nkumssa and was supposed to become the queen-mother of the tribe after her mother's death. But to reach this level, she had to remain virgin until her access to this position. If her husband, whom she would marry after her enthronement, discovered that she was not virgin, she had to be circumcised as a form of punishment and purification. Because she had sexual relations before her enthronement, she escaped from her country to the United States in March 1997, where she was arrested and incarcerated for illegal entrance with a falsified American passport. She then requested asylum.

In October 1997, an immigration judge rejected her demand, because she could not objectively demonstrate the reasons she feared the circumcision in Ghana given that this practice was in decline in this country and the Ghanaian authorities forbade it. The judge described her situation as a personal problem, as compared with the problem of a general practice imposed on a particular social group. She appealed, but her demand was again rejected because she could not prove the object of her fear. Finally, the Court of Appeals for the Second Circuit ended up granting her political asylum, ruling that the evidence she submitted was well-founded. This court explained that 15 to 30% of the women in Ghana are circumcised and, despite the interdiction of this practice in 1994, Ghana has legally pursued only seven people for violations. The court ruled that woman formed part of the social group of girls of her tribe who don't remain virgin until marriage².

Germany has granted political asylum only one time to a woman fearing female circumcision if she returned to her country. In this case, the woman originated from the Ivory Coast. As in the previous case, this woman, the mother of two children, was predestined to become the queen of her Tribe Apolo. Therefore, she had to undergo a circumcision, which she feared for health reasons. She also feared becoming sterile. Her mother counselled her to escape to Germany where she requested political asylum in 1995.

At first, the German authorities rejected her demand and wanted to return her to her country. She appealed to the administrative court, which granted her political asylum according to article 16, litt. a) of the German constitution. The court ruled that persecution caused by a person can be assigned to the state if the state disregards or cannot protect the victim. The court decided that female circumcision is a reach to the physical and psychic integrity and a violation of the principle of religious and personal self-determination. The court granted political asylum in 1996 and ordered the state to pay judicial expenses³.

One German lawyer criticized this decision, because the court didn't consider female circumcision as such a persecution giving right to political asylum, and required that this persecution be assigned to the state⁴. It should be noted that the Green party in Germany in

¹ Matter of Kasinga, Board of immigration appeals.

² New York Law Journal, 13.7.1999, www.lawnewsnet.com/stories/A3316-1999JUL12.html.

³ Verwaltungsgericht Magdeburg, I. Kammer, I A 185/95, 20.6.1996.

⁴ Lünsmann, p. 220-221.

March 1998 called upon Parliament to consider the fear of female circumcision as reason for the concession of political asylum. By so doing, the state proves its support to the courageous women and organizations opposed to this practice. This demand lacked a majority vote¹.

If the Western countries are reticent to open the door of political asylum to women fearing female circumcision for them and their girls, they should at least grant these women the permit to remain in the country and not to be returned. This attitude is present in the answer of the Swiss federal council to the interpellation of October 7, 1992, by members of the National Council who asked whether it was disposed "to provide an adequate help to women and little girls looking to escape this torture, for example by recognizing that this violation of the bodily integrity constitutes a torture or endangers the life and the bodily integrity": The Federal council responded on March 1st, 1993:

In Switzerland and in the remainder of Europe, the excision of the clitoris is considered as inhuman treatment according to article 3 of the European convention of human rights. Therefore, in the case where a decision has been taken to return a foreigner home, if the foreigner would make state of a real risk to be submitted to this inhuman treatment, the decision of return should be suspended and replaced by a transient stay decision.

Jean Ziegler presented another request to the Federal council on June 21, 1996, in which he said: "In the setting of procedures relating the right of asylum, the Federal council is invited to take account of the excision threat against the little daughters of the plaintiff families". In its answer of August 28, 1996, the Federal council said:

The procedure of asylum and return already takes account of the threat of excision that weighs on the daughter of a plaintiff family; hence, the author's demand is satisfied.

Is recognized as refugee a person who, in his state of origin or in the country of his last residence, is exposed to serious prejudices or has well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Are considered as serious prejudices notably the endangering of life, bodily integrity or liberty, as well as measures that ensue an intolerable psychic pressure. The Federal council indicates, in its message of December 4, 1995 concerning the total revision of the law on asylum, that the Convention relating to the status of refugees includes some persecution motives specific to women and, when all the conditions are fulfilled, that these motives drive to recognize the refugee as such. In each case, one should establish that the conditions necessary to the recognition of refugee's status are fulfilled. The decisional process will take account, at the time of the exam of the request for asylum, of the fear expressed by plaintiffs from the threat of excision against their daughters or themselves. Thus, the author's demand is satisfied, which means to take in consideration the excision in the setting of the asylum procedure.

In case of refusal, it will be examined, in the setting of the return, if the return in the country of origin is possible, licit and reasonably requestable. If the return back from Switzerland infringes to engagements of international law (Convention for the protection of human rights and fundamental freedoms, Convention against torture and other cruel, inhuman or degrading treatment or punishment, or the International covenant on civil and political rights) or that a serious concrete danger threatens the plaintiffs or their daughters in case they are returned back to their country of origin, the temporary

¹ Brosch: Genitalverstümmelung ächten, p. 225-226.

admission will be decided in place of the return because of the non-receivability or non-exigibility¹.

The law on asylum mentioned in the answer of the Federal council entered in force October 1, 1999. Article 3, par. 2, reads: "Can be taken in account the specific flight motives of women in the exam of requests for asylum". *The Manual of Procedure of Asylum of the Federal Office of Refugees*, updated in December 2000, indicates that women fearing sexual mutilation will be considered as forming a social group, but asylum won't be granted to women coming from states, such as the Ivory Coast and Cameroon, which are active or took legal measures in view of prohibiting sexual mutilation, because these women can get help and protection from these States². We are now facing a new policy relating to female circumcision.

4) Invoking circumcision as trickery

Even though we consider female circumcision as a persecution and that women opposed to this practice belong to a particular social group, there remains the question of the credibility of the fear on behalf of the political asylum plaintiff. We know, indeed, that the majority of women in societies practicing female circumcision are in favour of its maintenance and circumcise their daughters. They generally consider all critiques addressed against this practice as a critique of their culture, or even their religion.

For this reason, it very often happens that these women invoke the fear of female circumcision in support of their political request for asylum when they see that their luck to get asylum is running low. It is lawyers or people charged with their defence that suggest to them probably such a possibility. In despair, these women agree to advance the argument for fear of circumcision for them or their daughters. In this case, the authorities see their fear as unbelievable. Sometimes these women are too aged to have a well-founded fear, the circumcision being often made in their countries when they are young. Thus, if women advance this argument late in the procedure, authorities see a simple way on their part to avoid the issue. Australian authorities rejected a request for asylum made by a couple from Ghana for this reason³.

Certainly, it is not easy to verify the veracity of intentions allegedly behind those who the plaintiff contends wants to circumcise her. It's also not easy to verify the performance of circumcision in a plaintiff's country. Finally, there is also the problem of the falsification or destruction of identity documents by plaintiffs who try to embroil the authorities and to prevent their refoulement. These situations make suspect requests for asylum even from women who really fear circumcision for themselves or their girls. Certainly, public opinion is mobilized easily because of the present campaign against female circumcision, and it is still uncomfortable with ascertaining the truth of the forgery in these demands. Sometimes these plaintiffs circumcised their daughters in the West before requesting asylum or after obtaining the status of a refugee. If it is proven that a woman only made use of this argument to get the asylum, authorities can withdraw political asylum at any time.

5) Asylum for women and men

The convention and the laws relating to asylum and non-refoulement apply to all, without distinction between men and women. The introduction of sexual criterion to grant asylum

¹ www.parlament.ch/dL/Poly/Suchen_amtl_Bulletin/cn96/automne/1088.HTM; See Beck-Karrer: Frauenbeschneidung, p. 138.

² The Manual of procedure of asylum of the Federal office of refugees, updated in December 2000, chapter K, section 2, 2.2 and 3.2.

³ www.austlii.edu.au/cgi-bin/...t/N9718695.html?query=circumcision: Refugee review tribunal, N97/18695 du 22 sept. 1998.

to women fearing female circumcision introduces a discrimination difficult to justify, especially in the eyes of opponents of male circumcision. The latter, as we know, believe they are victims just as women of this practice. Therefore, they want states to grant asylum to both women and men who fear sexual mutilation. An American lawyer, a member of the association Attorneys for the rights of the child makes this argument¹.

Certainly, public opinion is not so ready to accept this demand as long as male circumcision is not viewed as a mutilation similar to female circumcision. Not to despair, a German administrative court granted political asylum to an uncircumcised, young Christian man from Turkey on November 5, 1991. If the man was returned to Turkey, he would have to serve in the Turkish army. Uncircumcised men undergo violence against their genitalia on behalf of their Muslim colleagues and are sometimes circumcised by force by army doctors. Young Christians are not protected by the state against this violence. The court noted many cases in which young Christians were subject to such violence and said it considered this practice a political persecution according to article 16 of the German federal constitution. As a member of the Christian community that doesn't perform circumcisions, the young Christian in question obtained refugee status in Germany².

It is interesting to mention an Australian decision that refused to bestow asylum on an Indian from Kashmir of Hindu religion. In the 1990s, militant Islamists exercised pressure against his family. They circumcised him to convert him to Islam and forced him to join their movement. Despite his conversion, he continued to frequent a Hindu temple. Muslims threatened him and his family of death. Following an armed conflict, his family ran away, and he didn't search for them for fear of being killed. He left for Bombay and from there he went to Australia with the help of *Rotary*. In Australia, he was diagnosed as having AIDS that he assigned to the circumcision imposed on him under non-hygienic conditions. Contradictions appeared in cross-examinations, and that he could live in another region other than the Kashmir without undergoing persecution if he was returned back in India, drove the Australian authorities to reject his demand³.

¹ See part 5, chapter 4.2.D.

² Bundesverwaltungsgericht, Urteil vom 5.11.1991 - 9 C 118.90 (VGH Kassel vom 7.5.1990 - 12 UE 54/86 -) Deutsches Verwaltungsblatt, 1992, p. 828-830.

³ www.austlii.edu.au/cgi-bin/.../n9823842.html?query=circumcision: Refugee review tribunal, N98/23842 du 18.10.1999.

Conclusion

The wolf shall live with the lamb, the leopard shall lie down with the kid, the calf and the lion and the fatling together, and a little child shall lead them [...]. They will not hurt or destroy on all my holy mountain.

Isaiah 11:6 and 9

Society cannot survive in anarchy, allowing its members the liberty of behaving in ways that seem good to them in their relations with the community and the family, or with themselves. Man simply cannot live isolated from society, rebel against the norms that guarantee a pacific cohabitation inside this society. Without these norms, society will disintegrate from inside.

To avoid this disintegration, societies establish legal and moral norms based on respecting the right to physical integrity and life, specifying cases in which it is permitted to infringe upon these rights in the interest of the individual or society. Thus, for example, it is authorized to cut the gangrened hand to save the remainder of the body or to execute a delinquent who committed a serious offense that threatens public security. It is in this setting that Roman laws, forbade human sacrifices offered to divinities, limited the right of a family's father to breach upon the life and integrity of his children and his slaves, and prohibited castration.

In countless instances, however, humanity has remained attached to its customs and old instincts. Thus, despite progress achieved by mankind in different domains - such as walking on the moon, penetrating the atom, and transforming the world into a small village thanks to Internet - mankind persists with outdated customs, specifically for our purposes, in mutilating the genitalia of children. The law of the jungle that reigned far in the past continues to throw its shadow on our time, creating no less than 15 million victims, 13 million boys and 2 millions girls annually. There is a French proverb that reads: "Hunt the natural, it comes back galloping". One can indeed teach a cat to read and write, to ride automobiles, and to master the most complex instruments, but you won't succeed in stopping it from chasing mice. Until now, the words of Isaiah remain a matter for utopia and dreams.

Humanity, however, cannot live without utopia, and no one can or should stop it from dreaming of a day where children, male and female, will live in peace, where no one can mutilate their genitalia. A part of this dream has already been achieved with regard to female circumcision, but the path for its realization regarding male circumcision is still long and difficult. The achievement of this goal is obstructed by defensive walls based on lies and built of economic and political interests, which can be demolished only with immense efforts

If we admit that humanity has the right to dream, we must recognize that the movement of opposition to male and female circumcision is one social reform movement of our time, perhaps even the most important movement - particularly considering the staggering number of its victims. In the 3rd symposium on circumcision held at the University of Maryland in 1994, Pastor Jim Bigelow harangued the public in these terms: "We are pioneers. Before us the barbarism. After us, the civilization". The barbarism consists in attacking innocent children to mutilate their genitalia, whereas the civilization rejects such an abject behaviour.

Those involved in this movement clearly know that the fight facing them won't be easy and know change will not happen overnight. The abolition of slavery required struggles for hundreds of years, and there are still vestiges of this system in Mauritania, Sudan, and even some Western countries under disguised forms. However, the abolition of male circumcision will in some way prove more difficult than the abolition of slavery because of what underlies its perpetuation - three monotheistic communities assisted by troops of physicians who find their material interests in maintaining it.

Nevertheless, one cannot forget the millions of child victims of circumcision, who cannot rebel as slaves could. These children's only defence is their screams to their parents, the religious communities, and health professionals. These children need unselfish people to be rebels for them, people who are neither blinded by the religion, nor impressed by the pseudo-science of the physicians, nor tempted by the price of blood.

Any one who exerts an effort hopes his effort will be awarded. The hope that I wish to express at the end of this book, the fruit of seven years of research, is that my effort and the effort of those who fight against male and female circumcision will lead to the total abolition of this practice one day. The advent of that day will depend on the number and the strength of strugglers. For this reason, I invite the readers of this work to participate in the battle. We have to remember that the one thousand kilometre journey starts with a step. Whatever is the length of the journey, future generations will remember there were people who disapproved of the mistreatment they were exposed to as children and who asked for it to end.

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